LB 2529
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THE REVISED

SCHOOL LAW

OF

WEST VIRGINIA

BEING

CHAPTER 45 OF THE CODE

1908

Class LB2629
Book W5 1908

OFFICIAL DONATION.

THE SCHOOL LAW

OF

WEST VIRGINIA

Being a complete revision of Chapter Forty-five of the Code as amended and re-enacted at the Special Session of the Legislature held in February and March, 1908, and in effect on and after May 31st, 1908, together with the provisions of the Constitution relating to Education, blank forms, instructions, etc.

Published for the Use of School Officers, Teachers, and the Public Generally, in Compliance with Section 126 of this Chapter.

ARRANGED AND ISSUED BY

THOS. C. MILLER,

STATE SUPERINTENDENT OF FREE SCHOOLS,

CHARLESTON.

1908

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STATE OF WEST VIRGINIA.
DEPARTMENT OF FREE SCHOOLS.

CHARLESTON, March 25, 1908.

For some years there has been a general demand for a revision of the School Law of West Virginia, and in 1906 Governor Dawson appointed a Commission to make such a revision. This Commission consisted of ex-State Superintendents B. L. Butcher, B. S. Morgan and J. R. Trotter; ex-State Senators Harvey W. Harmer and Charles E. Carrigan; ex-County Superintendent L. W. Burns, and the State Superintendent of Free Schools. A report was made to the Governor early in 1907 and by him submitted to the Legislature in regular session. While most of the provisions recommended were very favorably considered by that body, on account of the shortness of the session and other important questions demanding attention, there was no definite outcome. However, the Governor included the revision of the school law in his call for the Special Session of 1908, and the Committees on Education of the two Bodies, after carefully considering the report of the Commission for more than a month and agreeing upon various changes and amendments, finally reported a Bill embodying a complete revision of our school law, which was known as House Bill No. 37. This Bill upon its final passage received the unanimous vote of both Houses, something unusual in legislative work, thus making this Act a notable one in the school history of the State.

As will be seen, the side notes have been omitted and the sub-sections re-numbered and a proper heading given to each. It is believed that this form will be much more convenient than the old one. The index is also very full, and the School Calendar calls attention to some important dates. Former opinions of the Attorney General are not included in the revision, although many of these opinions would apply as well to the new law as to the old, because the provisions are the same.

Very respectfully,

Geo. C. Miller

State Supt. of Free Schools.

SCHOOL CALENDAR.

JULY.

1. School year begins.
   (On or before) Sheriff settles with Board of Education.
   (Before) Sheriff reports delinquent property.

1st Monday.—Board of Education meets to determine number of teachers to be employed in their district and to fix salaries, etc.

4. Independence day. Legal Holiday.

3rd Monday.—(or as soon thereafter as practicable) Trustees meet to employ teachers.

AUGUST.

1. (On or before) County Superintendent makes report to State Superintendent.

2nd Tuesday.—Board of Education meets to ascertain the condition of the fiscal affairs of the district and to make up an itemized statement thereof.

2nd Tuesday.—(On or before) Assessor certifies value of property to Secretary of Board and County Superintendent.

4th Tuesday.—Board meets to consider objections to estimate and proposed levy and to lay levy.

4th Tuesday.—(Within Three Days after) Secretary reports rate of levy.

SEPTEMBER.

1. (Before) Auditor reports condition of School Fund to the Governor and the State Superintendent.

1st Monday.—Legal Holiday.

15. First installment of General School Fund paid to Sheriff.

NOVEMBER.

Last Thursday.—Thanksgiving Day—Legal Holiday.

DECEMBER.

15. Second installment of General School Fund paid to Sheriff.

25. Christmas—Legal Holiday.

JANUARY.

1. New Year's Day—Legal Holiday.

(On or before) State Superintendent makes report to Governor.

FEBRUARY.

22. Washington's Birthday—Legal Holiday.

APRIL.

1. (On or before) Teachers take enumeration.
15. (On or before) Secretary transmits summary of enumeration to County Superintendent.

MAY.

1. (On or before) County Superintendent forwards to State Superintendent report of enumeration.
30. Memorial Day—Legal Holiday.

JUNE.

1. (On or before) State Superintendent appoints member of State Board of Education.
10. (On or before) Auditor notifies State Superintendent of amount of General or Distributable School Fund.
30. School year ends.

CONSTITUTIONAL PROVISIONS

RELATING TO THE

SCHOOL SYSTEM OF WEST VIRGINIA

ARTICLE IV.

* * * * * * * *

Oath of Office.

5. Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment; and no other oath, declaration, or test shall be required as a qualifiction, unless herein otherwise provided.

Removal from Office.

6. All officers elected or appointed under this Constitution, may, unless in cases herein otherwise provided for, be removed from office for official misconduct, incompetence, neglect of duty, or gross immorality, in such manner as may be prescribed by general laws, and unless so removed, they shall continue to discharge the duties of their respective offices, until their successors are elected, or appointed and qualified.

* * * * * * * *

Legislature to Prescribe Terms of Office.

8. The Legislature, in cases not provided for in this Constitution, shall prescribe by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed.

ARTICLE VIII

Districts.

27. Each county shall be laid off into districts, not less than three nor more than ten in number, and as nearly equal as may be in territory and population, * * *

ARTICLE IX

* * * * * * * *

County Officers Subject to Indictment.

4. The Presidents of the County Courts, the Justices of the Peace, Sheriffs, Prosecuting Attorneys, Clerks of the Circuit and of the County Courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty, and on conviction thereof, there offices shall become vacant.

I am inclined to the opinion that the words "all other county officers," as used in this section, include members of boards of education, although they are elected in districts. This is by no means clear, however. This section is in force *ex proprio vigore* and needs no additonal legislation.—*Alfred Caldwell, Attorney-General.*

ARTICLE X

* * * * * * * *

Capitation Tax.

2. The Legislature shall levy an annual capitation tax of one dollar upon each male inhabitant of the State who has attained the age of twenty-one years, which shall be annually appropriated to the support of Free Schools. Persons afflicted with bodily infirmity may be exempted from this tax.

* * * * * * * *

Power of Legislature to Levy.

5. The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon, the support of free schools, and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs, levy a tax for the ensuing year, sufficient with the other sources of income, to meet such deficiency, as well as the estimated expenses of such year.

* * * * * * * *

County Taxes Not to Exceed What—Debt.

7. County authorities shall never assess taxes, in any one year, the aggregate of which shall exceed ninety-five cents per hundred dollars valuation, except for the support of free schools; payment of indebtedness existing at the time of the adoption of this Constitution; and for the payment of any indebtedness with the interest thereon, created under the succeeding section, unless such assessment, with all questions involving the increase of such aggregate, shall have been

submitted to the vote of the people of the county, and have received three-fifths of all the votes cast for and against it.

See Brannon vs. County Court, 33 W. Va., p. 789, construing this section.

Bonded Indebtedness.

8. No county, city, school district, or municipal corporation, except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner, or for any purpose, to an amount, including existing indebtedness in the aggregate, exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; nor without, at the same time providing for the collection of a direct annual tax, sufficient to pay, annually, the interest on such debt, and the principal thereof, within, and not exceeding thirty-four years; *Provided,* That no debt shall be contracted under this section, unless all questions connected with the same, shall have been first submitted to a vote of the people, and received three-fifths of all the votes cast for and against the same.

ARTICLE XII

Legislature to Provide System of Free Schools.

1. The Legislature shall provide by general law, for a thorough and efficient system of Free Schools.

See 4 W. Va., p. 499.

General Supervision.

2. The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law. If in the performance of any such duty imposed upon him by the Legislature, he shall incur any expenses, he shall be reimbursed therefor: *Provided,* The amount does not exceed five hundred dollars in any one year.

County Superintendents.

3. The Legislature may provide for county superintendents, and such other officers as may be necessary to carry out the objects of this Article, and define their duties, powers and compensation.

School Fund—Board of.

4. The existing permanent and invested school fund, and all

money accruing to this State from forfeited, delinquent, waste and unappropriated lands; and from lands heretofore sold for taxes and purchased by the State of Virginia, if hereafter redeemed or sold to others than this state; all grants, devises or bequests that may be made to this State for the purposes of education or where the purposes of such grants, devises, or bequests are not specified; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated; and any sums of money, stocks, or property, which this State shall have the right to claim from the State of Virginia for educational purposes; the proceeds of the estates of persons who may die without leaving a will or heir, and of all escheated lands; the proceeds of any taxes that may be levied on the revenues of any corporation; all moneys that may be paid as an equivalent for exemption from military duty; and such sum as may, from time to time, be appropriated by the Legislature for the purpose, shall be set apart as a separate fund to be called the "School Fund," and invested under such regulation as may be prescribed by law, in the interest bearing securities of the United States, or of this State, or if such interest bearing securities cannot be obtained, then said "School Fund" shall be invested in such other solvent interest bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of Free Schools throughout the State, and to no other purpose whatever. But any portion of said interest remaining unexpended at the close of the fiscal year shall be added to, and remain a part of, the capital of the "School Fund"; *Provided*, That all taxes which shall be received by the State upon delinquent lands, except the taxes due to the State thereon, shall be refunded to the county, or district by or for which the same were levied.

School Fund Amendment.

Ratified at the General Election in November, 1902. (See Joint Resolution No. 11, Acts 1901, p. 465.)

The accumulation of the School Fund provided for in section four of article twelve, of the Constitution of this State, shall cease upon the adoption of this amendment, and all money to the credit of said fund over one million of dollars, together with the interest on said fund, shall be used for the support of the Free Schools of this State.

All money and taxes heretofore payable into the treasury under the provision of the said section four, to the credit of the School Fund, shall be hereafter paid into the treasury to the credit of the General School Fund for the support of the free schools of the State.

Legislature to Provide for Free Schools.

5. The Legislature shall provide for the support of free schools, by appropriating thereto the interest of the invested "School Fund," the net proceeds of all forfeitures and fines accruing to this State under the laws thereof; the State capitation tax; and by general taxation of persons and property, or otherwise. It shall also provide for raising, in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of Free Schools therein as shall be prescribed by general laws.

Districts.

6. The school districts into which any county is now divided shall continue until changed in pursuance of law.

Levies to be Reported to Clerk of County Court.

7. All levies that may be laid by any county or district for the purpose of free schools shall be reported to the Clerk of the County Court, and shall, under such regulations as may be prescribed by law, be collected by the Sheriff, or other collector, who shall make annual settlement with the County Court; which settlements shall be made a matter of record by the Clerk thereof, in a book to be kept for that purpose.

White and Colored Pupils.

8. White and colored persons shall not be taught in the same school.

School Officers not to be Interested in Sale of Books.

9. No person connected with the free school system of the State, or with any educational institution of any name or grade, under State control, shall be interested in the sale, proceeds or profits of any book or other thing used, or to be used therein, under such penalties as may be prescribed by law; *Provided,* That nothing herein shall be construed to apply to any work written or thing invented by such person.

Independent Districts.

10. No independent Free School district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

Normal Schools.

11. No appropriation shall hereafter be made to any State Normal School, or branch thereof, except to those already established, and in operation, or now chartered.

Legislature to Encourage Improvements.

12. The Legislature shall foster and encourage moral, intellectual, scientific and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

THE SCHOOL LAW.

CHAPTER XLV.

OF EDUCATION.

School Year.

Sec. 1. The school year shall begin on the first day of July and end on the thirtieth day of June, and all reports, accounts and settlements respecting the free schools shall be made with reference to the school year

School Districts.

Sec. 2. Every magisterial district in each of the counties of the state shall be a school district, which shall be divided into such number of sub-districts as may be necessary for the convenience of the free schools therein. The present districts and sub-districts shall remain until changed in the manner prescribed by law.

BOARD OF EDUCATION.

How Constituted—Election—Term.

Sec. 3. In each district there shall be a board of education consisting of a president and two school commissioners elected by the voters thereof. One commissioner shall be elected at the general election held on the Tuesday after the first Monday in November, nineteen hundred and eight, and one commissioner every two years thereafter; and the president at the general election held in nineteen hundred and ten, and every four years thereafter. Their term of office shall commence on the first day of July next after their election, and they shall each continue in office for four years, and until their successors are elected or appointed and qualified according to law.

Tie in Vote.

Sec. 4. In case of a tie in the vote for members of the board of

education, the county superintendent of free schools shall give the casting vote.

Vacancy.

Sec. 5. Any member of any board of education who shall be employed to teach in his district shall vacate his office.

Vacancies in the board of education shall be filled by the county superintendent of free schools, until the next general election.

Oath of Members.

Sec. 6. Every president and commissioner of the board of education elected within this state shall within ten days after his election has been duly declared, qualify as such by taking and subscribing before some one duly authorized to administer oaths within his county, the oath of office prescribed by section five of article four of the constitution, which oath shall be filed with the secretary of the board of education of his district.

A Corporation.

Sec. 7. The board of education of each district, and independent school district shall be a corporation by the name of "The board of education of the district or independent district of ———— in the county of ————," and as such may sue and be sued, plead and be impleaded, contract and be contracted with; and shall succeed and be substituted to all the rights of the former district boards of education; and may prosecute and maintain any and all suits and proceedings now pending or which might have been brought and prosecuted in the name of any such former board of education for the recovery of any money or property or damage to any property due to or vested in such former board, and shall also be liable in its corporate capacity for all claims legally existing against the board of education of which it is successor.

Service of Process.

Sec. 8. Process and notice may be served on said corporation by delivering a copy thereof to the secretary or any member of the board. Said board shall receive, hold and dispose of according to the rules of law, and the intent of the instrument conferring title, any gift, grant, devise or bequest made for the use of any free school or

schools under their jurisdiction, and, without any transfer or conveyance, shall be deemed the owner of the real estate and personal property of their district, and the title of all such lands as have been in the actual possession of any board of education for the last five years, and are still in such possession and not otherwise claimed, is hereby vested in the board of education of the district in which such lands are situated, to be held and used for free school purposes, and none other. The board of education shall hereafter, whenever possible, obtain a general warranty deed for all school sites.

Property Exempt from Execution.

Sec. 9. All school houses, school house sites and other property belonging to any board of education and used for school purposes shall be exempt from execution or other process, and free from lien or distress for taxes or county levies.

Property to be Inspected—May be Sold.

Sec. 10. The president of the board of education of every district and independent district shall at least once a year, examine all the school houses now constructed or in process of construction and all school sites in the district and report the condition of the same to the board of education; and such as are in the judgment of the board, properly located and are suitable or can with reasonable expense be rendered so, shall be retained, and the remainder with the consent of the county superintendent, as to districts, shall be sold at public auction to the highest responsible bidder, by the board of education on proper legal notice and on such terms of sale as the board may order, and the proceeds shall be added to the building fund.

Have General Control of Schools—May Change Sub-district Lines.

Section 11. The board of education shall have general control and supervision of the schools and school interests of their districts, except as herein otherwise provided; and they shall determine the number and location of the schools to be taught; establish graded schools, when necessary, and, as hereinafter provided, establish high schools, if necessary, change the boundaries of their sub-districts, and increase and diminish the number thereof, having due regard to the school houses already built, or sites procured, assigning, if practicable to each sub-district, not less than forty youth between the age of six and twenty-one years; and shall define and enter of

record in their minute book the boundaries of the several districts and sub-districts.

But every village consisting of fifty inhabitants or more shall be included in one sub-district, and if such village is divided by district or county lines the said village shall be included in the sub-district under the supervision of the board of education of the district to which the larger division of its territory is attached.

Appeal to County Superintendent.

Sec. 12. Any person aggrieved by any action of the board of education, in changing the boundaries of a sub-district, or in increasing or diminishing the number of the sub-districts in his district under the preceding section, may appeal therefrom to the county superintendent of schools.

Every such person shall present to the county superintendent his petition signed by himself and at least five others residents of the sub-district, stating the action of the board complained of and the grounds of appeal; and the county superintendent shall thereupon fix a time and place for the hearing of the appeal, and cause notice thereof to be served upon the secretary or any member of the board of education, at least five days before the hearing.

If upon hearing the proofs and allegations of the parties the county superintendent be of the opinion that the action of the board complained of was improper he shall reverse or correct it; otherwise the said action shall be affirmed, but any person aggrieved by any action of the county superintendent upon said appeal may appeal to the circuit court of the county.

Must Provide Sites and Buildings.

Sec. 13. The board of education of every district shall provide by purchase, condemnation, leasing, building or otherwise, suitable school houses, and grounds in their districts, in such locations as will best accommodate the pupils thereof, and improve such grounds and provide such furniture, fixtures, and apparatus for the said school houses, as the comfort, health, cleanliness and convenience of the pupils may require, and keep such grounds, school houses, furniture, fixtures, and apparatus in good order and repair, but no board of education may purchase school apparatus of any kind without the advice and consent of the county superintendent first had in writing.

Approval of Location and Plans.

Sec. 14. In the construction of school houses the board of education of each district shall have regard to economy, convenience and durability of structure and the health and comfort of pupils, and no such school house shall be constructed until the location and plan thereof have first been approved by the county superintendent, and in the event the board of education cannot agree upon plans or location, the county superintendent shall select the plans and location for such house.

May Condemn Land.

Sec. 15. If the owner or owners refuse to sell any land selected by a board of education or a county superintendent, as a location for a school house and necessary buildings, or for enlarging a school house lot, or demand an unreasonable price therefor, or if the owner is *non compos mentis,* a *femme couverte,* a minor, or a non-resident, the board of education may petition the circuit court to have such land condemned and such proceeding shall thereupon be had in the name of such board for the condemnation thereof, as provided for in chapter forty-two of the code: *provided,* that the land so taken shall not exceed in quantity two acres.

Schools to be Taught.

Sec. 16. The board of education shall cause to be taught in every sub-district of their district by a teacher or teachers of temperate habits and good morals a sufficient number of free schools for the instruction of the persons entitled to attend the same, and should the trustees of any sub-district neglect or fail to employ a teacher, or teachers, as hereinafter authorized, for their sub-district, upon complaint thereof by any three patrons of said school it shall be the duty of the board of education to do so.

May Discontinue.

Sec. 17. If at the end of any month of school the average daily attendance for that month has been less than thirty-five per cent. of the whole number of pupils enumerated in that sub-district, the board of education may dismiss the teacher and discontinue the school, and the teacher shall not be entitled to or receive any further salary.

May Provide Buildings Jointly.

Sec. 18. Boards of education in adjoining districts may jointly provide for the construction of school houses and the teaching of school therein for the accommodation of pupils in adjoining portions of districts whether in the same or different counties who may be better accommodated by such union of schools. The title of such houses shall be vested in the board of education of the district in which the houses are located, and the terms of the agreement shall be reduced to writing and entered of record in the minutes of the respective boards. Such school houses shall be provided with furniture, fixtures and such other apparatus as are supplied to school houses generally, and an equitable amount of the cost thereof shall be assessed to each district interested, by the respective boards of education.

Bond Required.

Sec. 19. Boards of education shall in all cases require persons entering into contract for the building or repairing of school houses where the contract price exceeds fifty dollars, to execute bond, with approved security in double the amount of the contract price.

Vote on Levy.

Sec. 20. The ballots used at the election for county superintendent hereinafter provided for, shall have printed at the bottom of each ticket, in separate lines, "For school levy," and "Against school levy," and the voter in preparing his ballot shall, if he desires to vote for school levy, erase from the ticket which he intends to vote the words "Against school levy," or if he desires to vote against school levy, he shall erase therefrom the words "For school levy."

Levy.

Sec. 21. If a majority of the ballots cast upon the question of laying a levy in the district or independent district have written or printed thereon "For school levy," it shall be the duty of the board of education of such district or independent district at a meeting to be held on the second Tuesday in August, to ascertain the condition of the fiscal affairs of the district, and make up an itemized statement thereof, which shall set forth in detail:

(*a*) The separate amounts due the building fund and teachers' fund of the district, and the amounts that will become due thereto and collectable during the current fiscal year, from every source, including the amount to be received from the general school fund, but excepting the amount that will be produced by the levy of taxes to be made for the year;

(*b*) The debts and demands owed by the district, and the debts and demands that will become due and payable during the current fiscal year, including interest on any indebtedness, funded or bonded or otherwise, distinguishing between those payable out of the building fund and those payable out of the teachers' fund;

(*c*) All other expenditures, under the several heads of expenditures, to be made and payable out of the funds of the district for the current fiscal year, distinguishing between those payable out of the building fund and those payable out of the teachers' fund, and including the cost of collection of taxes and other claims, with proper allowances for delinquent taxes and contingencies. Said statement shall also set forth the separate amounts necessary to be raised for each of said funds by the levy of taxes for the current fiscal year, and the proposed rates of levy of taxes, in cents on each one hundred dollars of assessed value, on the taxable property of the district for each of said funds; and also the aggregate of the taxable property of the district, stating separately the assessed value of personal property, of real estate, and of the property assessed by the board of public works. A copy of such statement duly certified by the secretary of the board, shall be published twice, at least one week intervening between the publications, in two newspapers of general circulation published in the county, and of opposite politics. If there be but one newspaper published in the county, the publication shall be made therein and shall be posted in each post office in the district for at least eight days. The session shall then stand adjourned until the fourth Tuesday in August, at which time it shall convene; and it shall then be the duty of said board to hear and consider any objections made orally or in writing, by the prosecuting attorney, by the state tax commissioner or his representative, or by any taxpayer of the county, to said estimate and proposed levy, or any item thereof. It shall be the duty of the board to enter an order of record showing the objections so made, setting forth the reasons and grounds for such objections. But the failure of any officer or taxpayer to offer objection as herein provided shall not preclude him from pursuing any legal remedy necessary to correct any levy laid by said board. After said

objections have been made and heard, the board shall thereupon reconsider the proposed original estimate and proposed rate of levy; and if the objections thereto or any part thereof appear to be well taken, the board shall correct the same accordingly and it shall thereupon be approved, and when approved shall, with the order approving it, be entered by the secretary in the record book of proceedings, the board shall thereupon levy as many cents on each one hundred dollars of the assessed valuation of the property of the district, according to the last assessment thereof, as will produce the amount shown by the said statement necessary to be raised for the building fund, and levy in like manner the amount necessary, after deducting the sum receivable from the general school fund, for the teachers' fund to continue the schools in such district for the term of six months or for a longer term where such may be established by or according to law: *provided, first,* that the levy for the building fund shall not exceed fifteen cents on each one hundred dollars of said valuation for the year nineteen hundred and eight, and shall not exceed twelve and one-half cents after that year; nor exceed twenty-five cents on each hundred dollars of said valuation for the teachers' fund: *provided, second,* that if such board of education in a city or independent school district of less than ten thousand population maintains a high school in such district, or maintains a high school in connection with one or more other districts, the board may levy for the support of said high school in any one year not to exceed ten cents on each one hundred dollars of said valuation: *provided, third,* that school districts and independent districts having outstanding bonds may increase the levies aforesaid by any amount sufficient to pay the interest on such bonds and the principal thereof in the time provided in the issue of such bonds, but the proceeds of such additional levy may be used for that purpose and no other: *provided, fourth,* that if said maximum levy of twenty-five cents for the teachers' fund shall not produce sufficient money, with the other sources of revenue, including any balance to the credit thereof in the hands of the treasurer and the amount of the general school fund apportioned to the district, to pay the salaries of the necessary number of teachers, at the minimum rate of salary fixed by law, for the schools of the district for the term of six months, it shall be the duty of the state superintendent of free schools to deposit with the treasurer of the board of education, to the credit of the teachers' fund, a sufficient amount to make up such deficiency; and the said state superintendent is authorized to withhold from the distribution

made on the per capita basis a sufficient amount of the general school fund, not exceeding in any one year fifty thousand dollars, for this purpose. If it shall appear to said state superintendent that a sufficient number of teachers of the proper grade for the schools of such district cannot be procured at the minimum rate of salary, owing to the payment of larger salaries in neighboring districts or elsewhere in the state he may fix the salaries of such teachers above the minimum, but not above the salaries paid teachers of like grades in neighboring districts. Any balance of the general school fund withheld from the per capita distribution for such schools, as aforesaid, in any year, shall revert to said fund at the close of the year.

Additional Levy.

Sec. 22. If any board of education be of the opinion that the maximum rate of levy of taxes hereinbefore named will not produce sufficient funds for the current fiscal year to cover the expenditures for the year in its school district, it may enter an order on its record book of proceedings setting forth the purposes for which additional funds will be needed, the amount thereof for each purpose, and the total thereof, the aggregate amount of the taxable property on which it is authorized to levy taxes and the rate of levy in cents on each one hundred dollars of valuation of such property necessary to produce the additional amount estimated to be needed; and in the same order submit to the voters of the school district, at an election therefor, the question of such additional levy. If a majority of the votes cast on the question at such election be in favor of such additional levy, the board shall have authority to make such additional levy, but the same shall not exceed twenty cents on each one hundred dollars of valuation of the taxable property in the school districts, according to the last assessment thereof: *provided,* that if any school or independent school district create in the future a bonded indebtedness according to law, and the board of education be of opinion that the maximum rate of levy provided in section twenty-one will not produce sufficient funds to pay the interest on such bonded indebtedness and provide a sinking fund for the discharge of the principal in the number of years authorized by the issue of the bonds, it may enter an order on its record book of proceedings setting forth the maximum rate of levy necessary in each year to pay the interest and to provide such sinking fund; and in the same order submit to the voters of the district at the election held for the purpose of authorizing the bond issue, the question of such levy. At such election there shall be

printed on the ticket a brief statement of the levy herein provided for, such as, "To authorize a maximum special bond levy of ———— cents according to the order of ———— entered on the ———— day of ———— to pay the interest and provide a sinking fund for the discharge of the bonds now being voted upon." And directly underneath in two separate lines shall be printed the words. "For the levy" and "Against the levy." In all respects the provisions of the laws concerning general elections, and elections under the provisions of this act, shall apply to such election as far as they are practicable. If a majority of the votes cast at such election be in favor of such levy, the board shall have authority to lay such maximum levy, and may continue to lay the same, or such portion thereof as is necessary, from year to year, without an additional vote, until such bonded indebtedness is paid off and discharged; but the funds arising from such levy shall be used for the purpose herein designated and no other.

How Elections Herein Authorized Held.

Sec. 23. The election authorized in section twenty-two may be held at any general election, or at any special election held for any other purpose, as well as held separately. Notice thereof, however, shall be given by the publication of the order of the board calling the same, in two newspapers of general circulation in the territory in which the election is held, and of opposite politics, at least once in each week for two successive weeks before the election, and printed copies of said order shall be posted at each place of voting at least ten days before the election. If there be only one such newspaper published in the county, the publication shall be made therein. All the provisions of the laws concerning general elections shall apply to such election as far as they are practicable, except as follows: A separate ticket shall be used at such election held in connection with any other election. On such ticket shall be printed a brief statement of the question submitted, such as "Special election to authorize ——— levy of ——— cents, according to the order of the ——— day of————;" and directly underneath, in two separate lines, shall be printed the words "For the levy," and "Against the levy." Those favoring the levy shall erase the words "Against the levy" and those opposed thereto shall erase the words "For the levy." If a majority of those voting on the question be in favor of the levy the said board shall be authorized to lay the same; but if a majority of the votes cast on the question be not in favor of such levy, it shall

not be laid. The secretary of the board shall procure and furnish to the election commissioners at each place of voting the tickets, poll books, tally sheets, and other things needed.

Special Debt Levy—Provisions as to Certain Funds.

Sec. 24. If any school district or any independent school district have outstanding unpaid orders on the treasury thereof, or owe other floating indebtedness, which orders were issued or which indebtedness was incurred previous to the first day of January in the year nineteen hundred and eight the amount whereof is so considerable that it is impracticable to discharge the same out of the proceeds of the regular levy, and the board of education deem it inadvisable to submit to the voters of the district the question of an additional levy as provided in section twenty-two, the board may lay a levy in addition to said regular levy to be called "Special debt levy," not exceeding ten cents on each hundred dollars of the valuation of the taxable property of the district according to the last assessment of such property, and continue such levy for as many years as may be necessary to pay off such debt, but not longer. The net amount produced by any such levy, or by any additional levy authorized by section twenty-two, shall not be used for any other purpose, as to such special debt levy than for the payment of such debt, or as to such additional levy for the purpose or purposes named in the order submitting the question to the voters. The treasurer of each of such funds shall keep an accurate account of the same separately from other funds. If after paying off such debts or effecting the object of said additional levy or of said special levy, any balance remains of any said funds the same shall, first revert to the sinking fund of the district or independent school district, or secondly, if there be no such sinking fund, it shall revert to the teachers' fund.

Certain Acts Prohibited—Penalties.

Sec. 25. It shall be unlawful for any board of education to expend any money or to incur any obligation or indebtedness which such tribunal is not expressly authorized by law to expend or to incur. Nor shall any such tribunal make any contract, express or implied, the performance of which, in whole or in part, would involve the expenditure of money in excess of funds legally at the disposal of such tribunal, issue or authorize to be issued any certificate, order or other evidence of indebtedness which cannot be paid out of the levy for

the current year or out of the fund against which it is issued. Nor shall any such tribunal attempt to lay any such levy the rate whereof shall exceed the rate specified by this act.

Any member of any such tribunal, or any officer or person, who in violation of any of the provisions of this act shall expend any money or incur any debt or obligation, make or participate in the making of any such contract, or be a party thereto in any official capacity, or issue or cause to be issued any such certificate, order or other evidence of indebtedness, or lay or cause to be laid any levy or levies, shall be personally liable therefor, both jointly and severally, and an action may be maintained therefor by the state, or by any county, municipal corporation, district, or person prejudiced thereby, in any court of competent jurisdiction; and any such member, officer or person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or be confined in jail not more than one year, or both fined and imprisoned; and in addition thereto shall forfeit his office. Whenever any court of competent jurisdiction by *mandamus,* injunction or other judicial proceeding shall determine that any officer or person has wilfully violated any of the provisions of this section, it shall enter an order declaring the office of such officer or person forfeited.

Duty of State Tax Commissioner and Attorney General.

Sec. 26. The state tax commissioner shall prepare forms and instructions for making up the statement named in section twenty-one of the condition of the fiscal affairs, which forms and instructions shall be followed so far as they are consistent with law. The attorney general shall prepare forms and instructions for the holding of any election provided by this act, which forms and instructions shall be followed.

Additional Term—Special Election.

Sec. 27. The board of education of any district or independent district may at their first meeting held on the first Monday in July extend the term of six months school herein provided for, or they shall upon the petition of fifty taxpayers of their district, submit the question of having more than six months school to the voters of their district at any general election or at a special election to be held in such district at such time as said petitioners may designate. If such question is to be submitted at a general election the board of educa-

tion shall notify the ballot commissioners who shall thereupon have printed on the ballots used at such general election "For ———— months school" and "Against ———— months school", and if at a special election, the secretary of the board of education shall post notices of such special election at all the voting places in the district for at least twenty days before the day on which said election is to be held. The ballots used at said election shall have written or printed thereon the words "For ———— months school," and "Against ———— months school." If a majority of the votes cast at any such election shall be in favor of more than six months school, or if the board of education shall determine, without such election, to have more than six months school they shall provide for such additional months of school for their district, for the ensuing two years.

Teachers' Salaries.

Sec. 27½. The boards of education of the several districts shall at their first meeting for each school year on the first Monday in July determine the number of teachers that may be employed in the several sub-districts, and fix the salaries that shall be paid to the teachers. In determining the salaries they shall have regard to the grade of teachers certificates fixing to each grade the salary that shall be paid to teachers of said grade in the several sub-districts as follows: Teachers having certificates of the grade of number one, shall be paid not less than forty dollars per month; those holding certificates of the grade of number two, not less than thirty-five dollars per month; and those holding certificates of the grade of number three, not less than thirty dollars per month. And the trustees of the several sub-districts shall in no case transcend or diminish the salaries so fixed in any contract they may make with teachers.

Graded Schools.

Sec. 28. In any district in which there is a town, village or densely populated neighborhood having two or more schools in the same building, the board of education may establish a graded school therein and in addition to the graded school herein provided for, in a town or village having four or more schools in the same building, a high school may be established, which shall be open to all pupils of sufficient attainment in the magisterial district in which the school is located: *provided*, the levy necessary to support said school and all

other schools of the district shall not exceed twenty-five cents on the one hundred dollars valuation for the teachers' fund, and fifteen cents on the one hundred dollars valuation for building fund. The board of education shall have charge of such graded and high schools. If within ten days after the board of education has laid the levies hereinbefore required, a majority of the taxpayers of the sub-districts in which any such graded school is located, file with the secretary of the board of education their petition praying for an extension of the term of such graded school for a given number of months for the ensuing year, said board of education shall extend the term of said graded school for the number of months prayed for, and shall provide for such additional expense necessarily incurred in carrying on said school for such extended term by special levy not exceeding the rate of five cents on the hundred dollars valuation of the taxable property of such sub-district, and the proceeds of such levy shall be known as sub-district teachers' fund, and shall be collected, reported and accounted for as provided for the proceeds of other school levies.

Additional Salary.

Sec. 29. The board of education of any district or independent district may pay the teachers of their district such salaries in addition to the minimum salary fixed by law, as hereinbefore provided, as they may see proper, having regard to the grade of the teachers' certificate; and where they establish a high or graded school employing two or more teachers the board may fix a higher grade of salary to be paid the teachers of any such high or graded school, and grade their salaries according to the conditions existing in such schools.

District High School.

Sec. 30. If the board of education of any district deem it expedient to establish a high school in such district they shall submit the question to the voters of the district on the third Tuesday in May of any year in the manner following, that is to say: The board shall prepare and sign a notice setting forth the kind of school proposed; the place where it is to be located; the estimated expense of establishing the same, including cost of site, building, furniture, books and apparatus and the estimated annual expense of supporting the school after it is in operation with such other information concerning it as they may deem proper; and stating that the question of authorizing the establishment of such high school shall be sub-

mitted to the voters of the district at the election specified in the notice which they shall cause to be posted for four weeks before the election in at least three of the most public places in the district.

The ballots used in voting on the question shall have written or printed thereon the words "For district high school," and "Against district high school." If it appear by the result of said election that not less than three-fifths of the voters who voted on the question are in favor of authorizing the establishment of said school the board of education shall then proceed to obtain the site, provide proper buildings, fixtures and improvements, procure necessary furniture, books and apparatus and employ necessary teachers therefor.

High School to be Discontinued.

Sec. 31. Any district high school shall be discontinued at the end of any year upon the petition in writing of at least seventy-five per cent. of the taxpayers of the district.

Meetings—Quorum.

Sec. 32. The boards of education of the several districts may hold their meetings on the first Monday of each month during the school term and at such other times as they may determine, but no business shall be transacted at a special meeting except such as may be designated in the call therefor of which all the members have notice. A quorum of the board shall consist of a majority of the members thereof, and they shall do no official business except when assembled as a board.

Compensation.

Sec. 33. The members of the board of education of each district shall each receive as compensation for their services the sum of two dollars per day to be paid out of the building fund of the district on the order of the county superintendent: *provided* that no commissioner shall receive pay for more than ten days, and no president for more than fifteen days in one year, one day of which shall be spent by each of them in attending a county teachers' institute held in his county.

Kindergartens.

Sec. 34. The board of education of any district or independent district in which there is a city, town or village of one thousand

population or more, may establish in connection with the schools of such district a kindergarten, to which may be admitted children between the ages of four and six years, under such regulations as may be prescribed by law for the admission of youth to the other schools of such district.

No person may be employed as a teacher in such kindergarten unless she holds a diploma from a kindergarten college, or, in addition to holding such a certificate as is required of other persons employed as teachers in the schools of this state, be duly examined in kindergarten methods and theories, in such manner as the board of education may prescribe.

Free Text Books.

Sec. 35. The board of education of any district or independent district may purchase the necessary text-books prescribed to be used in the free schools under their control and furnish the same free to the pupils of said schools. If the board of education determines to purchase and furnish such free text-books, they shall enter an order to that effect upon the records, and shall cause said books to be purchased and kept in charge by the secretary and furnished to the pupils of the free schools of their district as hereinafter provided.

Teachers to Distribute.

Sec. 36. At the commencement of every term of the free schools in such district the secretary shall deliver to the teachers thereof such books as may be necessary for the use of the several pupils therein for the ensuing term of school and take from them receipts showing the number and kind of books so received. It shall be the duty of such teachers to take charge of such books and to distribute them among the pupils of their schools as needed, and said teachers shall have and exercise general control over said books during such term and at the close thereof and before they receive an order for salary for the last month of such term shall collect and gather together all the books so used during the term and deliver them to the secretary of the board of education: *provided,* that if any of the books delivered to any pupil of such district shall be unnecessarily injured or destroyed they shall be replaced by the pupil who injured or destroyed them. All such books shall be purchased by the board of education directly from the publisher, contracted with as prescribed by law and at the net wholesale price.

Books for Library.

Sec. 37. The board of education of any district may purchase books for school libraries. But not more than ten dollars shall be expended in any year for this purpose for any school, and books so purchased must be selected from the list and in the order, and of the edition recommended by the state superintendent of free schools.

Librarian.

Sec. 38. The trustees of any sub-district where there is a school library containing two hundred volumes may upon the petition in writing of at least half of the taxpayers of the sub-district employ a responsible person to care for such school library during the time school is not in session and to open the said library for part of one day in each week at which time the patrons and pupils of such sub-district may draw out books under such rules and regulations for the care and return thereof as the said trustees may prescribe. For his services the said librarian shall be paid five dollars per year, out of the building fund, by order of the board of education.

Bonds—Election.

Sec. 39. In any district or independent district wherein there is a town or city with an enumeration of youth of school age of three hundred or over, the board of education may borrow money and issue bonds therefor for the purpose of building, completing, enlarging, repairing or furnishing school houses, in such town or city. Said bonds shall be payable in not less than ten or more than thirty-four years from their date, and the rate of interest thereon shall not exceed six per centum per annum: *provided*, that no debt shall be contracted under this section which shall, including existing indebtedness, in the aggregate, exceed two and one-half per centum on the value of the taxable property in said district, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, nor without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on said debt, and the principal thereof, within and not exceeding thirty-four years: and, *provided, further*, that no debt shall be contracted under this section unless all questions connected with the same have been first submitted to a vote of the people of said district at a special or general election, and have received three-fifths of all the votes cast for and against the same.

THE GENERAL SCHOOL FUND.

Sec. 40. The proceeds of the capitation tax, the income of the school fund, the net proceeds of all forfeitures and fines which accrue to the state during the previous year and all money arising from the sources named in section four of article twelve of the constitution heretofore going to the "school fund", but as now amended going to "the general school fund", and all funds from any sources paid into the treasury for school purposes and not otherwise appropriated, shall be set apart for the support of free schools, as a separate fund to be called "the general school fund" and shall be annually apportioned and distributed to the several counties of the state in proportion to the number of youth of school age according to the latest enumeration for school purposes, to be applied to the support of free schools throughout the state, and to no other purpose whatever, except that the auditor shall in ascertaining the amount to be apportioned and distributed to the several counties first deduct the aggregate salary of the state superintendent of free schools, his necessary traveling expenses not to exceed five hundred dollars, the contingent expenses of his office, the salaries of the county superintendents, the supplementary fund provided for in section twenty-one and other expenditures required by law to be paid out of the general school fund: *provided,* that if the amount of the general school fund in any year is less than seven hundred and fifty thousand dollars the board of public works shall transfer thereto from the state fund an amount necessary to make the general school fund at least seven hundred and fifty thousand dollars; and if in the judgment of said board the condition of the state fund will justify it, such transfer may be sufficient to make the general school fund one million dollars.

Auditor to Report.

Sec. 41. It shall be the duty of the auditor, on or before the tenth day of June, in each year, to ascertain the amount of the general school fund which is distributable among the several counties as aforesaid, and notify the state superintendent of free schools thereof, who shall thereupon ascertain the proper share of each county and notify the auditor and each county superintendent of said apportionment.

Apportionment of General School Fund.

Sec. 42. Upon receiving such notice, the county superintendent shall ascertain the proper share of each district, and independent

school district, of his county, according to the number of youth enumerated therein, and give notice to the board of education of each district, and independent school district, in the county, of the amount of the general school fund due each respectively, and that the same cannot be drawn by them until they have made the levy required by section twenty-one of this chapter.

Requisition for the General School Fund.

Sec. 43. When the board of education has laid the levy for the teachers' fund the county superintendent shall issue his requisition on the auditor, payable to the order of the sheriff of his county, for the amount due, which shall be paid in two equal installments, payable on the fifteenth of September and December, respectively.

Delinquent Lists.

Sec. 44. The delinquent lists for the county and district school levies shall be returned and all other proceedings had in relation thereto as provided by law for other delinquent taxes.

SECRETARY.

Duties.

Sec. 45. The board of education at their first meeting, which shall be held on the first Monday in July of each year, shall appoint a secretary who shall not be a member of the board, and who shall, before entering upon the discharge of his duties, take the oath prescribed by law, and shall attend all meetings of the board, and record their official proceedings in a book kept for that purpose, which record shall be attested by his signature and the signature of the president of the board, and which shall at all reasonable times be open to the inspection of any person interested therein; he shall have the care and custody of all papers belonging to the board, including evidences of title, contracts and obligations, and preserve the same in his office properly arranged for reference; and shall record and keep on file in his office such papers and documents pertaining to the business of the board, and keep such accounts and prepare and certify such reports and writings, as the law may require or the board direct, all of which records, papers, contracts, documents and other property pertaining to his office shall be immediately delivered in proper condition to his successor in office.

Abstract of Proceedings.

Sec. 46. The secretary of the board of education of each district shall, within three days after each meeting of the board of education, post an abstract of the proceedings thereof at the front door of the place of meeting, and within ten days after the annual settlement with the sheriff the secretary of the board of education of each district and independent district shall post at the same place an itemized statement, duly sworn to by the president and the secretary of said board, showing all disbursements by said president and secretary by orders on the sheriff, or otherwise, within the school year last preceding, from the teachers' fund, the building fund, and any other fund from which disbursements are made, setting forth the name of the person to whom and the purpose for which each order was issued.

Administer Oaths.

Sec. 47. The secretary shall have authority to administer oaths to school officers and to teachers or others reporting enumeration.

Assessor's Certificate.

Sec. 48. The assessor shall make out and deliver to the secretary of the board of education of each district and independent district in his county on or before the second Tuesday in August in each year, a certificate showing the aggregate value of all personal property and real estate in such district or independent district, and to the county superintendent of free schools a certificate of the aggregate value of such property in the county, which certificates shall serve as the basis for the school levies for the ensuing year.

Report Rate of Levy.

Sec. 49. Within three days after the board of education has laid the levy for the building fund and the teachers' fund, it shall be the duty of the secretary to report the rate thereof to the county superintendent and the proper assessor, and within three days thereafter it shall be the duty of the county superintendent to report the rate of levy for the various funds to the clerk of the county court and the assessor and the rate of levy for all funds, and the total value of real and personal property in each district and independent district to the state superintendent and the auditor; and it shall thereupon be the duty of the proper county officer to extend on the personal

property book and on the land book the amount of taxes levied as aforesaid, in separate columns, headed respectively teachers' fund, and building fund, which taxes the sheriff shall collect and account for as required by law.

Penalty.

Sec. 50. Any assessor, clerk of the county court, secretary of a board of education, or county superintendent who fails to perform the duties required of him by sections forty-eight and forty-nine of this chapter, shall be guilty of a misdemeanor and upon conviction thereof be fined twenty dollars.

Report.

Sec. 51. From the reports of trustees, the teachers' registers, the annual settlement with the sheriff, and from such other authentic information as he may be able to obtain, the secretary shall make a tabular report to the county superintendent on or before the twentieth day of July annually, showing all the statistics and other facts required in the blanks furnished by the state superintendent, with such explanations and remarks as he may deem pertinent.

Salary.

Sec. 52. The secretary of the board of education of each district shall receive for his services in districts with fewer than fifteen schools, twenty dollars; and in districts with fifteen and fewer than twenty-five schools, thirty-five dollars, and in districts with more than twenty-five schools, fifty dollars. In addition thereto he shall receive the sum of ten dollars for the report required in section fifty-one, both amounts to be paid out of the building fund of his district on the order of the county superintendent of free schools; but said order shall not be issued until the secretary has made a correct and complete report within the time required by law.

TRUSTEES.

Appointment—Term—Oath.

Sec. 53. The board of education shall at the first meeting to be held on the first Monday of July, nineteen hundred and eight, appoint three intelligent and discreet persons trustees for each sub-district in their district, who shall hold their office, one for one year,

one for two years, and one for three years respectively; and annually thereafter appoint one trustee for said sub-district who shall hold his office for a term of three years, and every trustee so appointed under this section shall be immediately notified of his appointment, and shall within ten days after receiving such notification, qualify as such by taking and subscribing to the oath of office prescribed by law.

Quorum.

Sec. 53½. No one trustee shall, by himself, have any power to perform any duty required by law of the trustees, who shall meet at a time and place fixed by two of their number, the other having had reasonable notice of such meeting, and two of the trustees shall constitute a quorum, and they shall keep a record of their acts and proceedings in a book to be furnished them by the board of education for that purpose, such book to be turned over by them to their successors in office.

May be Removed.

Sec. 54. Any trustee may, for good cause shown, be removed from office by the board of education upon five days' notice in writing, of the cause alleged for his removal, and of the time and place the board will take action thereon.

Vacancy in Office.

Sec. 55. Vacancies in the office of school trustee shall be filled by the board of education for the unexpired term.

Appoint Teachers.

Sec. 56. The trustees of every sub-district shall have charge of the schools therein and shall on the third Monday in July of every year, or as soon thereafter as practicable, appoint at the school house of their sub-district, a teacher or teachers, for the ensuing term of such school, who shall hold a valid teachers' certificate, and such appointment shall be in writing according to the form of contract furnished by the state superintendent of free schools, which contract shall be at the rate fixed for the grade of certificate held by such teacher and shall be filed with the secretary of the board before the beginning of the term for which the teacher is employed.

File Duplicate.

Sec. 57. No person shall be employed to teach in a free school in this state until he has presented to the trustees or board having charge thereof, a certificate in duplicate of his qualifications which duplicate shall be filed until the close of the school term with the secretary of the board of education of the district wherein said school is situated, and so endorsed on the original by the secretary, and no salary shall be paid to any teacher unless such duplicate be so filed.

Appointment of Certain Persons Prohibited.

Sec. 58. No trustee shall contract with or appoint as teacher of his school himself, his wife, father, son, son-in-law, grandson, brother, brother-in-law, daughter, daughter-in-law, granddaughter, sister, sister-in-law, aunt, uncle, niece, nephew, or first cousin by blood. If any trustees appoint any person so related to any two of the trustees as teacher of their school, the board of education may declare such contract void. Any teacher may be removed by the board of education for incompetency, neglect of duty, intemperance, profanity, cruelty or immorality, and any teacher so removed shall not receive any salary for the unexpired term.

Holidays.

Sec. 59. In contracts with teachers it shall be understood that school is not to be kept in operation for instruction on Saturday or any holiday, but if a holiday fall upon a day which otherwise would be a school day, and on a day immediately preceding or immediately following a day on which school is taught, it shall be counted as though taught.

Visit Schools.

Sec. 60. The trustees shall visit every school under their charge within two weeks after the opening, and again within two weeks before the close thereof, and at such other times as it may be necessary or useful. During such visits they shall inspect the register of the teacher and see whether it has been properly kept, and ascertain whether the pupils are supplied with books and other things required for their studies; whether the school house and grounds, closets, and

other outbuildings, furniture, apparatus and library are kept in good order; whether anything injurious to health is suffered to remain about the house or grounds; and whether the school house is well ventilated and kept clean and comfortable; and where necessary they shall provide and promptly apply the proper remedy. They shall also, during such visits make such examination as they may deem pertinent respecting the studies, discipline and general condition of the school and the conduct and proficiency of the pupils, and give such directions or make such suggestions to the teacher, as, in their opinion, will promote the interests of the school, and the health, morals and progress of the pupils.

Purchase Supplies.

Sec. 61. The trustees shall cause the school house under their charge and everything pertaining thereto to be kept in good order, and to this end may purchase fuel, water-buckets, brooms, coal-hods, shovels, pokers, stove-pipe, crayons, erasers, dippers and wash-basins for use in the school room, and make such repairs to windows, doors, benches, desks, floors, walls, ceilings and roofs as may be necesary to make the house comfortable. The trustees shall also see that the school house is swept and that fires, when necessary, are made and kept therein by the teacher, if the teacher so desire, for which sweeping and fire building the teacher or other person doing the work shall be allowed fifty cents per week, payable at the end of the term upon a proper certificate from the trustees, out of the building fund of the district.

May Allow School Houses Used.

Sec. 62. The trustees may allow the school house in their charge to be used for holding religious, political, or literary meetings and Sunday school and such other meetings as may be considered beneficial to the public generally, under such regulations for the care and cleaning thereof as they may prescribe: *provided,* that such meetings shall not interfere with the public schools.

Make Estimates of Improvements.

Sec. 63. The trustees shall furnish the board of education at the end of the school year estimates of all improvements and repairs necessary for the preservation of buildings, grounds and furniture

under their charge; also a report of the condition of the school house, and the value and kind of apparatus, the number of volumes in the school library and their value, with such explanations and additional information as they may deem useful, or as the blanks furnished by the state superintendent may require.

Report of Expenses.

Sec. 64. The trustees shall keep an exact account by items of all necessary expenses incurred by them in the performance of their duties, which they shall file with the secretary of the board of education at or before the last meeting for the current school year. If the board find the account correct, they shall pay the various items thereof, out of the building fund of the district by orders on the sheriff, but if found incorrect, the secretary shall return it for correction.

Under Supervision of Board of Education.

Sec. 65. The trustees of each sub-district shall be under the supervision and control of the board of education, and in all cases their actions shall be subject to revision and correction by the board of education, upon the complaint in writing of any three taxpayers of the sub-district.

Transfer of Pupils—Tuition.

Sec. 66. Whenever any person authorized to attend school is so situated as to be better accommodated at the free school of an adjoining sub-district or independent district, whether in the same or in an adjoining district or county, or whenever it may be necessary to establish a school composed of pupils from parts of two or more sub-districts in adjoining districts, whether in the same or different counties, it shall be the duty of the trustees of the sub-district in which such pupil lives to transfer him for school purposes to the sub-district in which such school house is situated for the same period that the schools of the district from which the transfer is made are in session, subject, however, to the approval of the trustees of the sub-district or the board of education of the independent district, to which such pupil is transferred; but the enumeration of youth shall be taken in each sub-district as if no transfer had been made.

Divide Expenses.

Sec. 67. But in all cases of transfer of pupils from one district to another the board of education of the district from which the transfer is made shall pay to the board of education of the district in which the school is carried on such proportion of the cost of teachers of said school as the pupils so transferred bear to the whole number of pupils taught in such school.

Consolidation of Schools.

Sec. 68. Boards of education may, upon the petition in writing of seventy-five per cent. of the voters of the sub-district affected, abolish any sub-district and consolidate the school or schools therein with the school or schools of one or more other sub-districts, and provide for the conveyance of pupils to and from school at public expense under such rules and regulations as they may prescribe.

Contracts for the conveyance of pupils shall be let to the lowest responsible bidder, and all expenses thereof shall be paid out of the building fund of the district.

Who May Attend School.

Sec. 69. The following persons when residing in a sub-district or independent district with intent to make such district their home, shall have the right to attend the free schools thereof, and to receive instruction therein; that is to say, every youth between the age of six and twenty-one years, and any other person, with the consent of the trustees or the board of education, as the case may be, and upon the payment of tuition fees not to exceed two dollars and fifty cents per pupil per month, and upon such other terms as the trustees or the board of education may prescribe. Said tuition fees shall be paid in advance to the sheriff, who shall give his receipt therefor and place the amount to the credit of the teachers' fund of said district.

Colored Pupils.

Sec. 70. White and colored pupils shall not be taught in the same school, or the same building, but it shall be the duty of the board of education to establish one free school, or more if necessary, in any sub-district wherein there are ten or more colored persons of school age and, if possible, in any district wherein there are fewer than ten. For the purpose of carrying out this section the board of education

may establish schools composed of pupils from adjacent districts in the manner provided in section eighteen for white pupils.

Division of Funds—Mandamus.

Sec. 71. Whenever, in any school district, the benefit of a free school education is not secured to the colored children residing therein in the manner mentioned in the preceding section, the fund applicable to the support of free schools in such district shall be divided by the board of education in the proportion which the number of colored children bears to the number of white children therein, according to the last enumeration made for school purposes, and the share of the former shall be set apart for the education of colored persons of school age in such district, and be applied for that purpose from time to time in such way as the board of education may deem best. Any board of education failing to comply with this section may be compelled to do so by *mandamus*.

COMPULSORY ATTENDANCE.

Age—Time—Misdemeanor.

Sec. 72. Every person having under his control a child between the age of eight and fifteen years shall cause such child to attend some free school for a period of twenty-four weeks, yearly, beginning with the opening of the school term. For every neglect of such duty, the person offending shall be guilty of a misdemeanor, and shall upon conviction thereof, before any justice, who is hereby authorized to try and determine such cases, be fined two dollars for the first offence, and five dollars for each subsequent offence, which fine shall be paid into the building fund of the district in which said offence occurred.

An offence as understood herein shall consist in the failure of such persons for two days in any week to cause such child to attend school, except in cases of sickness or death in the pupil's family, or other reasonable cause, or unless the pupil be thoroughly and systematically instructed for a like period of time elsewhere: *provided,* there be a school in session within two miles of the pupil's home, by the nearest traveled road.

Truant Officer.

Sec. 73. The board of education of every district or independent

district at its first annual meeting, or as soon thereafter as practicable, shall appoint one or more truant officers whose duty it shall be to enforce the provisions hereof. Each officer so appointed shall use due diligence to ascertain any violation of this law, and when from personal knowledge or by report or complaint from any resident or teacher of the district under his supervision he believes that any child subject to the provisions hereof has been absent from school for two days he shall immediately give written notice to the parent, guardian or custodian of such child that the attendance of such child at school is required, and if such parent, guardian or custodian of said child does not comply with the provisions of this section at once, then such truant officer shall make complaint against such parent, guardian or custodian before the nearest justice of the peace: *provided,* that for subsequent offences in any one year no such notice shall be required.

Employer—Misdemeanor.

Sec. 74. Any person who induces or attempts to induce any such child unlawfully to absent himself from school, or who harbors or employs any such child unlawfully absent from school while the school in the district in which such child lives is in session, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars, and may be imprisoned ten days.

Duty of Teachers.

Sec. 75. Teachers in ungraded schools and principals and superintendents in graded and high schools shall report to truant officers all cases of violation hereof in their sub-districts or independent districts, and shall furnish all reports and information necessary to the proper hearing of any case before a justice of the peace and all such teachers, principals and superintendents shall assist truant officers in every reasonable way in carrying out the provisions hereof.

Fines.

Sec. 76. All fines collected under the four preceding sections shall at once be paid over by the justice to the sheriff, and by him credited to the building fund of the proper district; and every truant officer shall make to the secretary of the board of education and to the sheriff an itemized statement on the last day of each month of all fines imposed hereunder.

Compensation of Truant Officers.

Sec. 77. Said truant officers shall be paid monthly at the rate of two dollars per day for the time actually spent in the discharge of their duties as such officers, but in no case shall payment for any month's services be made until the truant officer has filed with the secretary of the board of education the statement required in the preceding section, together with a sworn statement of the number of truancy cases investigated and the time actually employed in such duties. When the truant officer has faithfully performed his duties and filed the statement required, the board of education, if satisfied that the same are just and correct, shall issue and deliver to him an order on the sheriff for the amount of his account, payable out of the building fund of the district.

SUBJECTS TAUGHT.

Sec. 78. In the free schools there shall be taught reading, orthography, penmanship, arithmetic, English grammar and language, United States history, state history, general and state geography, civil government, general history, book-keeping, elementary agriculture, and physiology and hygiene, and in connection therewith the nature of alcoholic drinks and narcotics, with special instruction as to their effect upon the human system, and in addition thereto in graded and high schools such other subjects as may be required in the course of study prescribed by the state board of education.

STATE SUPERINTENDENT TO PREPARE MANUAL.

Sec. 79. It shall be the duty of the state superintendent of free schools to prepare and distribute a manual containing the courses of study prescribed by the committee on course of study and such other matter as may seem necessary to enable teachers to carry out the said courses of study, and his further duty to see that the teachers in all the various schools follow the course of study so precribed; he shall also provide for the examination and graduation of pupils who satisfactorily complete the said course of study, and shall issue diplomas thereto.

EXAMINATION OF TEACHERS.

Time and Place.

Sec. 80. The general regulation, direction and control of all matters relating to the examination of applicants for teachers' cer-

tificates, including the preparation of questions, the grading of manuscripts, the granting and the issuing of certificates, and all other powers necessary for the proper examination of applicants for teachers' certificates shall hereafter be vested in the state superintendent of free schools, who shall designate the time for holding such examination simultaneously in all the counties of the state, at such places and in such buildings as the county superintendent shall designate, subject to the approval of the state superintendent.

Expenses.

Sec. 81. For the preparation and printing of questions, the grading of manuscripts, the transmission of certificates and the additional clerical work demanded, the state superintendent of free schools shall be allowed an amount not to exceed five thousand dollars annually, which sum is hereby appropriated and set apart from the general school fund for this purpose.

Branches in which Examined.

Sec. 82. Applicants for teachers' certificates shall be required to pass an examination in orthography, reading, penmanship, arithmetic, English grammar and language, physiology and hygiene, United States history, state history, geography, civil government, and the theory and art of teaching; and applicants for certificates good in graded schools or high schools shall in addition to the foregoing be required to pass examinations in general history and single entry book-keeping. Applicants for high school and primary teachers' certificates shall pass an examination in such branches as the state board of education may prescribe.

Transmitting questions and manuscripts.

Sec. 83. The state superintendent of free schools shall prepare and transmit questions for said examination to the county superintendent of each county, securely sealed, and the county superintendent shall break the seal and open the package of questions and seal all packages of manuscripts, in the presence of his assistant and the assembled applicants, and shall conduct such examination in the manner prescribed by the state superintendent. At the conclusion of the examination, the county superintendent shall forward to the state superintendent, properly sealed, all manuscripts submitted, in accordance with full instructions to be furnished by the state super-

intendent, together with such information, statements or affidavits as the state superintendent may require. But no applicant known to be of immoral character, or to be addicted to drunkenness, or to be under the age of seventeen years at the time of the examination shall be admitted to said examination.

Grades of Certificates.

Sec. 84. Within a reasonable time after the receipt of the foregoing manuscripts, from the county superintendent, it shall be the duty of the state superintendent and his assistants who shall be actively engaged in school work, to examine and grade them, and to issue certificates in duplicate based thereon, which shall show the grade or proficiency of the applicant in each branch in which he is examined, which certificates shall be of three grades based upon the following scale:

First grade certificates shall be issued to all applicants who attain a general average of ninety on a scale of one hundred, and not lower than seventy-five on any one branch; second grade certificates shall be issued to all applicants who attain a general average of eighty, and not lower than sixty-eight on any one branch; third grade certificates shall be issued to all applicants who attain a general average of seventy and not lower than sixty on any one branch. But no certificate shall be granted to an applicant until the state superintendent is satisfied as to the identity of that applicant.

Certificates to be Signed.

Sec. 85. All certificates so issued, shall be signed by the state superintendent and forwarded by him to the proper county superintendent who shall countersign them and deliver them to the persons entitled thereto.

Where Valid—How Revoked.

Sec. 86. Such certificates, unless revoked as provided for in this section, shall be valid in any district or independent district in the state except in independent districts specially authorized by law to provide for the examination and certification of the teachers employed therein, in which independent districts they may be made valid by the action of the board of education thereof.

The state superintendent may after ten days' notice and upon

proper evidence revoke the certificate of any teacher for drunkenness, immorality or untruthfulness, or for any other cause which would have justified the withholding thereof when the same was granted.

Duration of Certificates.

Sec. 87. First grade certificates shall be valid for a period of five years and shall be renewable once for a like period upon payment of a fee of two dollars: *provided,* the holder thereof shall have taught successfully one year thereon; or has served as county superintendent of schools for any period of time while said certificate was in force; second grade certificates shall be valid for a period of three years and third grade certificates for a period of one year, and such third grade certificates shall not be issued to the same applicant more than two years in succession: *provided,* that not more than one certificate of the same grade shall be issued to an applicant in a school year, but applicants taking more than one examination in the same year shall receive a statement showing what percentage they made in the different branches at each examination. The state superintendent and each county superintendent shall keep a register of all certificates granted, stating the character and grade of each and the date of issue thereof, and the state superintendent and each county superintendent, upon vacating his office, shall turn over said register to his successor.

Misdemeanor.

Sec. 88. If any county superintendent intentionally change the examination prescribed by the state superintendent or commit any fraud with intent to assist or hinder any person in securing a certificate, he shall be guilty of a misdemeanor and upon conviction thereof he shall be fined not less than twenty-five and not more than two hundred dollars and confined in jail not less than sixty days nor more than one year and such conviction shall vacate his office. If any person tamper with the questions or have them in his or her possession without authority of law, before the examination, or tamper with the manuscripts after the examination, or attempt to pass any such examination under any assumed name or name of any other person he shall be guilty of a misdemeanor and upon conviction thereof be fined twenty-five dollars and confined in jail not less than ten days.

Report of Immorality or Neglect of Duty.

Sec. 89. Any county superintendent who knows of any immorality or neglect of duty on the part of any person holding a certificate shall report the same, together with all the facts and evidence to the state superintendent for such action as in his judgment may be proper.

Assistants.

Sec. 90. The county superintendents shall conduct all examinations as directed by the state superintendent, but when in any examination there are fewer than thirty applicants the county superintendent shall appoint one assistant, and if more than thirty applicants, two assistants, who shall each receive six dollar for the two days spent in helping to conduct such examination. But nothing herein contained shall prevent the state superintendent from sending a competent person to oversee such examination if he deem it expedient.

Fees—Expenses.

Sec. 91. The county superintendent shall collect from each applicant a fee of two dollars and out of the aggregate of all fees so collected he shall pay his assistants and other legitimate expenses of conducting such examination, and the remainder he shall immediately pay to the auditor of the state to be placed to the credit of the general school fund of the state. At the close of the examinations he shall make and return to the state superintendent of free schools a detailed and certified report of the names of all applicants for certificates, the amount of fees collected by him, the amount paid out as above provided for expenses, and the amount paid the auditor, and shall send with said report receipts for all money paid for expenses.

Graduates.

Sec. 92. The state superintendent of free schools shall issue first grade certificates in duplicate, upon application in due form, to graduates of the West Virginia University, who have taken at least six courses in education and to graduates in the normal departments of the State Normal School and its branches, and to the graduates of the normal department of the West Virginia Colored Institute.

Primary Teachers' Certificates.

Sec. 93. In addition to the certificates above provided for there shall also be issued primary teachers' certificates which shall be valid throughout the state for teachers of the lowest grade in town or city schools having four or five teachers; for teachers in the first and second grades of town or city schools having six or seven or eight teachers; and for teachers in the first, second and third grades having more than eight teachers, and which shall be granted as herein provided for the regular certificates with the exception that the branches upon which applicants shall be examined during the year shall be selected and announced by the state superintendent of free schools at least sixty days before the examination held for said certificate, but no applicant may receive a primary teachers' certificate until the said applicant has taught at least two years on a first or second grade certificate.

High School Teachers' Certificates.

Sec. 94. High school teachers' certificates valid throughout the state and required for teachers in high schools shall be granted at the same time and under the same regulations as provided for granting other certificates with the exception that the branches or subjects upon which applicants shall be examined shall be selected and published in the manner provided for examinations for primary teachers' certificates. Such certificates shall be renewed as other certificates except that the additional subjects for examination may be selected from a list of additional subjects prescribed by the committee on course of study.

Grade of Certain Certificates.

Sec. 95. In the payment of salaries and renewal of certificates primary teachers' certificates and high school certificates shall be considered as first grade certificates.

State Certificates.

Sec. 96. All certificates issued by the state board of examiners on or before the first day of May, nineteen hundred and eight, shall continue in full force and effect, and shall be deemed valid to the extent of time for which issued and on their expiration may be

renewed as provided for in section one hundred and thirty-two of this act.

TEACHER'S AUTHORITY.

Sec. 97. The teacher shall stand in the place of the parent and have control of all the children enrolled in his school from the time they arrive at the school grounds until they return to their respective homes, and may exclude from his school any pupil having a contagious or infectious disease, and may suspend any pupil guilty of disorderly, refractory, indecent or immoral conduct. But the action of the teacher in suspending any pupil shall be subject to review by the trustees. The trustees may expel any pupil on complaint of the teacher or any person interested if on investigation the conduct of such pupil is found to be detrimental to the progress of the school.

Teachers Exempt from Certain Duties.

Sec. 97½. No teacher in this state shall be required to serve on any jury nor to work on the roads while his school is in actual operation.

Register and Reports.

Sec. 98. Every teacher shall keep a daily register and make monthly reports to the secretary of the board of education of his district. He shall also keep a term register in which shall be entered the date of the commencement and termination of the term of school, the name and age of every pupil who attended the school during the said term, and the daily attendance, distinguishing between male and female, the branches taught and the number of pupils engaged each month in the study of each branch and such other particulars as are required by the forms and regulations prescribed by the state superintendent of free schools.

Payment of Teachers.

Sec. 99. When a teacher has taught according to his contract for one month he shall make out a monthly summary thereof and have it countersigned by the trustees setting forth that the school has been taught as therein reported, and deliver said summary to the secretary of the board of education who shall thereupon issue an order for the

salary of such teacher for that month on the sheriff duly signed by the president and secretary payable out of the teachers' fund. But if the secretary be a teacher the order for his salary shall be signed by the president and one other member thereof.

Term Register and Report of Enumeration.

Sec. 100. At the close of the term the teacher shall return the term report to the secretary of the board of education who shall examine it and if found correct file it in his office and if the enumeration has been properly taken and reported as required in sections one hundred and one and one hundred and two he shall issue and deliver to such teacher an order for the balance due on his salary payable as hereinbefore provided. But unless such register be properly kept and returned the teacher shall not be entitled to the payment of the balance of his salary.

ENUMERATION.

Sec. 101. The teacher or teachers in each sub-district or independent district shall annually before the close of the school or schools, and not later than the first day of April, take and report an enumeration of all the youth residing in such sub-district or independent district, who will be of school age on the first day of July following, distinguishing between males and females, white and colored.

Classes.

Sec. 102. The enumeration shall be taken and reported in separate classes as follows: all youth between six and sixteen years of age; all youth between six and twenty-one years of age, and all youth between eight and fifteen years of age, and, in districts where kindergartens have been established by the board of eduaction, all children between four and six years of age. The report of enumeration shall be verified by the affidavit of the person who made it to the effect that he used all means in his power to make it; and that he believes it to be correct. He shall deliver such report to the secretary of the board of education with the term report of such school, or not later than the first day of April, and, unless such enumeration be properly taken and reported by the teacher within the time required herein, the secretary shall deduct from the last month's salary of

such teacher such amount as may be necessary to defray the expenses of taking said enumeration as hereinafter provided for.

Secretary to Have Enumeration Taken.

Sec. 103. When such enumeration for any district or sub-district is not received by the secretary on or before the first day of April, it shall be his duty, without delay, to employ a competent person to take and report the same as aforesaid. The person taking and reporting such enumeration shall be paid a reasonable compensation by the board of education not to exceed two dollars per day, for the time necessarily consumed, by an order on the sheriff, out of the building fund of the district.

Record of Enumeration.

Sec. 104. The secretary of the board of education shall keep a record in his office of the enumeration of youth so taken, and shall annually on or before the fifteenth day of April, transmit a summary of such enumeration to the county superintendent of his county, who, not later than the first day of May, shall forward to the state superintendent of free schools a summary by districts of the enumeration so taken and reported.

INSTITUTES.

Time.

Sec. 105. As a means of improving the teachers and fitting them for more effective service in the free schools of the state, teachers' county institutes shall be held annually throughout the state, one or more in each county at such places as a majority of the teachers of such county may designate by petition to the county superintendent, or by vote at the preceding teachers' institute, and at such time between the third week in July and the last week in October, as the state superintendent shall, with the advice of the county superintendent direct, and shall continue each for one week of five days.

Attendance.

Sec. 106. Every person employed as a teacher in the free schools of the state shall be required to attend a county institute for at least

five days in the year in which he teaches unless excused therefrom for a good and sufficient reason by the county superintendent of the county in which he proposes to teach. For such attendance he shall receive pay at the rate of one dollar and fifty cents per day for not exceeding five days in any one year, such compensation to be paid out of the building fund of the district at the end of his term of school. It shall be the duty of the county superintendent to see that teachers who do not so attend institute are not allowed to teach during any year in which such failure occurs.

Instructors.

Sec. 107. The institute shall be conducted by experienced and skillful instructors appointed by the state superintendent of free schools, but it shall be a part of the duty of the county superintendent, under the instructions of the state superintendent to make all arrangements for the institutes and to assist in conducting them.

Pay of Instructors.

Sec. 108. The instructors appointed by the state superintendent shall each be paid for his services and expenses out of the general school fund on the order of the state superintendent, but in no case shall the amount so paid exceed one hundred dollars for any one institute.

Enrollment Fee.

Sec. 109. Every teacher enrolled in a county institute shall pay an institute fee of one dollar, seventy-five cents of which shall be remitted by the county superintendent to the auditor of the state to be paid into the state treasury to the credit of the general school fund, and the remainder may be used for incidental expenses and for the betterment of the institute, under the direction of the county superintendent, and an account of said expenses shall be read to and approved by the institute before the adjournment thereof, and any amount not expended shall be disposed of as the institute may direct.

Fees Expended.

Sec. 110. The county superintendent shall, at the close of the institute, forward to the state superintendent a certified list of all

persons enrolled at the county institute, giving the exact time each was in attendance, and a certified statement of the receipts and expenditures together with the receipts for all money expended.

District Institutes.

Sec. 111. As a further means of improvement among teachers the county superintendent shall arrange for and conduct district institutes, or teachers' round tables, one or more in each district of his county within the school year, and any teacher who shall attend his district institute for one school day shall have credit therefor, when reported by the county superintendent, in the month in which said institute is held, as if actually taught by him.

Reading Circle.

Sec. 112. Teachers shall be encouraged to form reading circles for the purpose of pursuing courses of study in the history of education, school management, methods of teaching, educational psychology and kindred subjects, and it shall be the duty of the state superintendent to prescribe a graded course of study covering a period of two years, in the said subjects, to provide for examining those who complete the said course and to issue certificates of proficiency to such persons as pass satisfactory examination thereon.

COUNTY SUPERINTENDENT.

Election.

Sec. 113. A county superintendent of free schools shall be elected in each county by the voters thereof, at the general election held on the Tuesday after the first Monday in November, nineteen hundred and ten, who shall be a resident of the county in which he is elected, and whose term of office shall commence on the first day of July next after his election, and continue for four years and until his successor is elected and qualified according to law. The county superintendent of free schools shall immediately upon receiving the certificate of election from the canvassing board, or the county court, forward a written notice thereof to the state superintendent of free schools.

Tie in Vote.

Sec. 114. In case of a tie in the vote for a county superintendent

of free schools, the presidents of the various district boards of education shall at a meeting called for that purpose, at the court house of the county, by the county superintendent of free schools, not less than six nor more than twelve days after the result of such election is ascertained, appoint one of the persons receiving the highest number of votes for said office at the said election as county superintendent of free schools who shall give notice as aforesaid to the state superintendent of his appointment. A notice of such meeting shall be made out by the county superintendent and served upon the president of each district board of education at least three days before the day of such meeting in the manner provided by law for the service of other process.

Oath.

Sec. 115. The county superintendent shall within sixty days after his election qualify before the county court of his county, or the clerk thereof in vacation, by taking the oath of office and executing a bond with approved security in the penalty of one thousand dollars conditioned for the faithful performance of the duties of his office and for accounting for and paying over all money coming into his hands as such superintendent. And the said clerk shall, within five days after said qualification, certify to the state superintendent of free schools the name and address of said county superintendent and the fact of his executing such bond.

Vacancy.

Sec. 116. A vacancy in the office of county superintendent shall be filled until the next general election by the presidents of the various district boards of education, at a meeting to be called for that purpose by the clerk of the county court at the court house of the county, within thirty days after the vacancy occurs.

Qualifications.

Sec. 117. The county superintendent of free schools shall be a teacher of good moral character and of temperate habits, having held a first grade teachers' certificate or its equivalent; but nothing herein contained shall prevent any county superintendent from succeeding himself in office.

Salary.

Sec. 118. The county superintendent shall receive for his services an annual compensation, as follows: In counties having not more than fifty schools, five hundred dollars; in counties having more than fifty and not more than seventy-five schools, five hundred and seventy-five dollars; in counties having more than seventy-five and not more than one hundred schools, six hundred and fifty dollars, and in counties having more than one hundred and not more than one hundred and twenty-five schools, seven hundred and twenty-five dollars, and in counties having more than one hundred and twenty-five schools he shall be allowed two dollars for each additional school more than one hundred and twenty-five. In addition thereto the county superintendent shall be allowed the same compensation for conducting examinations as is allowed his assistants: *provided,* that the salary in no case shall exceed twelve hundred dollars; the county superintendent shall not teach in any school public or private while the schools of his county are in session during his term of office, and should any county superintendent engage in teaching public or private school he shall immediately thereupon forfeit his office and cease to be entitled to any further remuneration.

Deductions.

Sec. 119. The county superintendent shall report on oath to the state superintendent the number of schools he has visited during the year, in compliance with section one hundred and twenty-one of this chapter, and the state superintendent in paying the said county superintendent shall deduct two dollars from the salary of the county superintendent for each and every school in his county which the county superintendent did not visit up to one hundred and twenty-five schools, as provided in section one hundred and eighteen of this chapter.

Payment—Report.

Sec. 120. Such compensation shall be paid quarterly upon orders drawn by the county superintendent on the state superintendent of free schools who shall upon receiving the same issue a requisition upon the auditor therefor, payable to the said county superintendent, or to such person as he may direct. But the payment of the fourth quarter shall not be made until the county superintendent has made

the report to the state superintendent of free schools, as required by section one hundred and twenty-three of this chapter and for every day after the first day of September before the receipt of the reports the state superintendent shall deduct three dollars from the salary of the county superintendent unless said reports are delayed by failure to receive sheriff's settlements or reports from secretaries of boards of education. The salary of the county superintendent shall be paid out of the general school fund, and the amount thereof shall be deducted by the auditor from the amount next to be distributed to each county.

Visit Schools.

Sec. 121. The county superintendent shall visit each school within his county, not included in an independent district, at least once in each school year, at such time as he may deem necessary and proper, and acquaint himself with the character and condition of each school, noting any deficiencies in the government of the school, the classification of the pupils, and the methods of instruction, and shall make such suggestions to the teacher, either orally or in writing, in private, as may seem necessary or advisable for the good of the school, and the progress of the pupils, and for carrying out the prescribed courses of study.

Examine Buildings.

Sec. 122. He shall examine the buildings and equipment, noting the character and condition thereof, and shall make such suggestions, relative thereto, to the trustees and the board of education, as may seem advisable. He shall report to the proper board of education all cases of incompetency or neglect of duty, and to the state superintendent of schools all cases of incompetency, profanity, cruelty or immorality on the part of teachers, and all failures to carry out the prescribed courses of study.

Reports.

Sec. 123. The county superintendent shall receive and revise the reports made to him by the secretaries of the various boards of education, and see that they are in proper form, and according to law; and when deficiencies or errors are found to exist he may return them for correction. From these reports and such other authentic information as he may obtain he shall make a report to the state superin-

tendent of free schools on or before the first day of August annually or as soon thereafter as possible, setting forth in reference to each district of his county for the year ending on the preceding thirtieth day of June, the several particulars required in the blanks furnished by the state superintendent.

STATE SUPERINTENDENT.

Qualifications.

Sec. 124. There shall be elected a state superintendent of free schools for the state, whose term of office shall be the same as that of the governor. He shall be a person of good moral character, of temperate habits, of literary acquirements and skill and experience in the art of teaching. He shall receive annually the sum of three thousand dollars in payment for his services to be paid monthly out of the general school fund upon the warrant of the auditor. If in the performance of any duty imposed upon him by the legislature, he shall incur any expense, he shall be reimbursed therefor: *provided,* the amount does not exceed five hundred dollars in any one year.

Residence and Seal.

Sec. 125. The state superintendent shall reside and keep his office at the seat of government. He shall provide a seal for his office and copies of his acts and decisions, and of papers kept in his office, authenticated by his signature and official seal shall be evidence equally with the original. He shall sign all requisitions on the auditor for payment of money out of the state treasury for school purposes, except as hereinafter provided.

Duties.

Sec. 126. The state superintendent shall be charged with the supervision of all county and city superintendents of free schools of the state, and shall see that the school system is carried into effect. He shall prescribe and cause to be prepared all forms and blanks necessary in the detail of the system so as to secure its uniform operation throughout the state, and shall cause the same to be forwarded to the several county superintendents, to be distributed to the persons entitled to them. He shall cause as many copies of this chapter and such forms, regulations and instructions to be published from time to time as he may deem necessary, and shall cause the same to be

forwarded to the county superintendents, to be distributed to the persons entitled to receive them.

Report.

Sec. 127. The state superintendent shall on or before the first day of January preceding the session of the legislature, make a report to the governor, to be by him transmitted to the next regular session of the legislature, in regard to the condition of free schools within the state, embracing all statistics compiled from the reports of the county superintendents and such other authentic information as he can procure, which will be necessary to give the proper exhibit of the working of the system together with such plans as he may have matured for the better and more perfect organization and efficiency of the free schools, and all such other matters as he may deem it expedient to communicate.

Interpretation of Law.

Sec. 128. At the request in writing of any teacher, school officer or county officer the state superintendent shall give his interpretation of the meaning of any part of the school law and such interpretation shall have the force and effect of law until overruled by a circuit court or the supreme court.

Books for School Libraries.

Sec. 129. It shall be the duty of the state superintendent to prepare and publish a list of books suitable for school libraries with the order in which they should be provided and to recommend the proper editions thereof.

STATE BOARD OF EDUCATION.

Sec. 130. There is hereby constituted a state board of education composed of the state superintendent of free schools, and five other persons engaged in educational work, appointed by him, one from each congressional district and not more than three from the same political party. The said board shall be appointed on or before the first day of June, nineteen hundred and eight, one member for one year, one for two years, one for three years, one for four years and one for five years, and thereafter one each year who shall serve for a

period of five years. The said board shall as soon as possible after their term begins, meet at the call of the chairman and at such times thereafter as four members may determine.

Course of Study—Compensation.

Sec. 131. The state board of education shall perform the duties heretofore performed by the state board of examiners as herein provided, and in addition thereto, they shall constitute a committee on course of study and as such committee, shall prescribe a course of study for the public schools of the state, including the district schools, the primary, the graded, and the intermediate and the high schools, and define the relations that each shall bear to the others; they shall also prescribe and publish the branches in which applicants for primary teachers' and high school teachers' certificates shall be examined. And at the request of the state superintendent they may assist in the preparation of questions for the several examinations provided for by law. For such services the members of this body, except the state superintendent, shall receive five dollars per day and their actual expenses, payable out of the general school fund on the order of the state superintendent of free schools; but no member shall receive per diem for more than twenty days each year for his services in prescribing the courses of study and in preparing questions as herein provided.

The State Professional Certificate.

Sec. 131½. The board thus constituted shall hold at least one examination each year in each congressional district of the state for the purpose of granting the state professional certificates herein provided for, and for this purpose any three of said members shall constitute a quorum. They may issue two classes of certificates to such as are found to possess the requisite scholarship and who exhibit satisfactory evidence of good moral character and of professional experience and ability as follows: First class certificates for twelve years; second class for six years. Any person holding a certificate of the first class, who shall have taught for eight years of said twelve years shall be entitled without examination, to have the same renewed at the expiration of the said twelve years for a period of twelve years. The second class certificate shall be issued to applicants of satisfac-

tory attainments, upon examination in the branches required for certificates under the uniform system, and in addition, not fewer than four other branches to be determined by the board.

Graduates.

Sec. 132. The second class certificates shall also be issued upon application, without examination, to the graduates of the West Virginia University, of the State Normal School of West Virginia and its branches, and of other schools of this state whose grade of work is equal in all respects, in the judgment of the board to the state normal school and its branches and whose graduates shall have presented to the board satisfactory evidence that they have taught successfully three years in the state under a number one uniform certificate, one of which said three years shall immediately precede the application for such certificate. Teachers who shall present to the board satisfactory evidence that they have taught successfully four years under a second class certificate, shall be entitled to receive, without examination, a first class certificate at the expiration of the second class.

Recognition of Certificates and Diplomas from Other States.

Sec. 133. The state board of education may also issue certificates to teachers coming from other states, when such teachers hold certificates or diplomas of equal value with those issued under this act: *provided*, the states which issued such certificates likewise recognize those issued in this state.

The board shall keep a record of its proceedings, showing the number, date and duration of each certificate, to whom granted and for what branches of study, and shall report such statistics to the state superintendent annually on or before the thirtieth day of September.

Certificates Countersigned.

Sec. 134. All certificates issued by such board shall be countersigned by the state superintendent of free schools; and such state professional certificates shall supersede any and all other examinations of the persons holding them, by any board of examiners, and shall be equivalent to a first grade certificate granted under the uniform examination system and shall be valid in any school district in the state, unless revoked by the state board for good cause. Each

applicant for a certificate shall pay the state board of education a fee of five dollars. And, *provided, further,* that all state certificates issued prior to the passage of this act shall be renewed and subject to the same provisions as the certificates under this act.

Compensation.

Sec. 135. The state board of education shall each receive a compensation of five dollars per day actually and necessarily spent in conducting the examinations, and for one day to be spent in consultation and in preparing for their duties and two cents per mile for each mile necessarily traveled in going to and returning from the place of examination. This compensation shall be paid out of the fees received from the teachers examined, and shall in no case exceed the amount so received.

Report.

Sec. 136. Said board shall, at the end of each school year, make and return to the state superintendent of free schools, a detailed and certified account of the names of all the applicants for examination, the amount of fees received, the amount paid out to the members of the board, and the balance, if any, shall be paid over to the treasurer of the state, to be placed to the credit of the distributable school fund.

SHERIFF.

Bond.

Sec. 137. The sheriff of the county shall receive, collect and disburse all school money for the county and the several districts and independent districts therein. But before receiving or collecting any such school money he shall give in addition to his bond as collector of the state and county taxes, a bond with approved security in a penalty double the amount of school money which will probably come into his hands for school purposes during any one year of his term of office.

Pay Orders.

Sec. 138. He shall keep accounts with the boards of education of

the various districts and independent districts of the money belonging to the teachers' fund, the building fund, or such other fund as there may be and shall credit every receipt and charge every disbursement to the fund to which it belongs. He shall pay out no money except upon orders signed by the president and secretary or by the president and one other member as prescribed in section ninety-nine of the respective boards specifying the amount to be paid and the fund to which it is to be charged, or upon an order of the county superintendent as provided in section thirty-three and section fifty-two of this chapter.

Annual Settlement with the Board of Education.

Sec. 139. He shall on or immediately before the first day of July in each year settle with the board of education of each district and independent district, at which settlement at least a quorum of the board shall be present. In this settlement he shall be charged with the amount of taxes and of general school fund apportioned to the district or independent district by the county superintendent and the amount of taxes levied by the board of education upon the property of the district or independent district for the teachers' fund, and for the building fund and for any other money received by him during the current year on account of the free schools of such district or independent district; and he shall be credited with the amount of delinquent school tax in such district or independent district that has been duly certified by the clerk of the county court to such board of education.

Payments in Excess.

Sec. 140. He shall be credited in such settlements with all orders paid and produced by him, if found to be correct by the board of education, and he shall receive no other credits except his commission as hereinafter provided. If any sheriff shall pay out in any one year more money on account of the teachers' fund or of the building fund than shall have been levied and could have been collected by him during said year together with the amount remaining in his hands from any preceding year he shall in such settlement receive no credits for such excess.

Method of Settlement.

Sec. 141. In making said settlement it shall be the duty of the

sheriff to prepare and present to the said board of education in duplicate separate lists of all the credits claimed by him against each of the several school funds collected by him showing the amount, date and number of each voucher or order, and to whom payable, together with the statement of the proper debits to the several funds to which he is chargeable; which lists and statements together with the vouchers claimed as credits by the sheriff shall be examined by the board and if found correct the said vouchers or orders credited to said sheriff shall be endorsed by the secretary of the board on the back of each with the words, "Settled by board of education," under which the secretary shall sign his name and enter the date of the settlement; and said statements and lists as corrected shall be signed by said sheriff and by the president and secretary of the said board of education in duplicate, one copy to be retained by said board and the other, together with the vouchers and orders shall be turned over to the sheriff who shall as soon as may be deliver them to the clerk of the county court, and the same shall serve as a basis for the settlement required by section seven of article twelve of the constitution, and section one hundred and forty-two of this chapter.

Settlement with County Court.

Sec. 142. In addition to the settlements required by the sheriff with each board of education, every sheriff shall also make annual settlements by districts with the county court of his county at the next term after the first day of July in each year, showing an itemized statement of all money disbursed for the preceding year on account of the teachers' and building funds in his hands, showing the amount, date and number of each credit voucher and to whom payable, and the balance due each district and independent district on each of said funds; which settlement shall be made a matter of record by the clerk of said court in a book kept for that purpose.

Corrections in Settlement.

Sec. 143. But the settlements made by the sheriff with the several school districts of the county as provided in section one hundred and thirty-nine, when found correct and properly signed and turned over to the clerk of said court as required by section one hundred and forty-one, may be taken and treated as the settlements required to be made and recorded by section one hundred and forty-two: *provided, however,* that the prosecuting attorney or any tax-

payer of the county may appear before said court for the purpose of making corrections in said report, and said court may hear said objections, after reasonable notice to the sheriff and board of education and make such corrections as may be proper, and when corrected said settlements shall be recorded; and said settlement and vouchers turned over to the clerk of said court shall be filed by said clerk by districts.

Commissions.

Sec. 144. The sheriff shall receive such commissions as are now or may hereafter be provided for by law.

Failure to Account for or to Pay Orders.

Sec. 145. If he shall fail to account for and pay over as required by law any money which may come into his hands or for which he is liable, judgment may be rendered therefor against him and his sureties with interest and ten per cent. damages; and upon the failure of such sheriff to pay any proper order issued by the said board of education the person entitled to receive the sum of money specified in such order may require the sheriff to endorse thereon or write across the face thereof the words "presented for payment" with the proper date and sign the same, and judgment upon motion after at least ten days' notice, may be obtained against the sheriff before any justice of his county or before the circuit court thereof, with interest from the time said order was presented and ten per cent. damages. But a sheriff shall not be required to endorse any school order nor shall suit be brought on any such school order prior to the first day of November of the current school year.

Failure to Settle.

Sec. 146. If any sheriff fail to make the settlement required by section one hundred and forty-two at the time required, without reasonable cause therefor, he shall forfeit fifty dollars to the teachers' fund, and a like amount for each subsequent term of court that shall pass without such settlement. And the sheriff shall moreover be charged in said settlement with twelve per cent. interest on all school money in his hands for the time he is in default in making the said settlement.

Action Against.

Sec. 147. If the sheriff fail to make the said settlement at the time required it shall be the duty of the prosecuting attorney to proceed by action against him and his sureties in the circuit court to recover the fine imposed upon him by section one hundred and forty-six.

Failure of Board of Education to Settle.

Sec. 148. If any board of education fail to make the settlement required by section one hundred and thirty-nine of this chapter, with the sheriff, when requested by him to do so, each member of such board so failing or refusing shall be guilty of a misdemeanor and upon conviction thereof be fined twenty dollars for the benefit of the building fund of the district.

Turn Over Balance.

Sec. 149. And the retiring sheriff shall within sixty days after he shall have made his final settlement in the manner herein provided, pay and turn over to his successors in office such balance as may be shown due from him by said settlement, upon proper orders of the various boards of education.

Mandamus.

Sec. 150. If any order of the board of education upon the sheriff of the county or judgment or decree for a sum of money against the said board be presented to such sheriff without obtaining payment, payment thereof may be enforced by the circuit court by *mandamus* or an order for specific levy on the property taxable in the district.

Auditor.

Sec. 151. The auditor shall annually before the first day of September, deliver to the governor and the state superintendent of free schools each a report made up to the first day of July next preceding, of the condition of "the school fund," with an abstract of the accounts thereof in his office, which report the governor shall lay before the legislature at its regular session.

The School Fund—Board of.

Sec. 152. All such sums as have accrued to this state from the several sources enumerated in the fourth section of the twelfth article of the constitution, not in excess of one million dollars, shall be set apart as a separate fund to be called "the school fund" and the governor, state superintendent of free schools, auditor and treasurer shall be a corporation under the name of "The board of the school fund," and shall have the management, control and investment of said fund, as provided by the fourth section of the twelfth article of the constitution. The governor shall be president of the board, and in his absence the board shall choose one of their number to preside temporarily in his place. The auditor shall be the secretary of the board and all meetings of the board shall be held in his office. A record shall be kept of all the proceedings and be signed by the president and secretary, and a copy thereof, certified by the secretary of the board shall be evidence in all cases in which the original would be. A majority of the board shall constitute a quorum for the transaction of business.

Meeting of Board.

Sec. 153. A meeting of the board of the school fund may be held at any time upon the call of any member thereof: *provided,* notice be given to all members who may be at the seat of government.

Collection.

Sec. 154. All the money due and payable into the treasury to the credit of "the school fund" shall be recovered with interest by action or motion in the name of said board, before any court having jurisdiction, and the attorney general shall institute and prosecute such action or motion when so directed by the board.

Agents to Collect.

Sec. 155. The board may appoint agents for the collection of debts or claims, and authorize them to secure payment thereof, and to protect the interest of the school fund, on such terms as it may approve. They shall take bond from said agents, if any money is to come into their hands; and any agent selling lands, when directed to do so by the board, shall execute a deed with the resolution giving such directions thereto annexed, conveying to the purchaser

by special warranty. Said agent may be allowed by the board a compensation not exceeding in any case five per cent on the money paid into the treasury.

No School Teacher or Officer to Act as Agent—Penalty.

Sec. 156. No school officer or teacher of any free school shall act as agent for any author, publisher, bookseller, or other person to introduce or recommend the use of any book, apparatus, furniture, or other articles whatever, in any free school of this state, or directly or indirectly contract for or receive any gifts or reward for so introducing or recommending the same, nor shall any such school officer or teacher be otherwise interested in the sale, proceeds or profits of any book or other things used, or to be used in said schools: *provided;* that nothing herein shall be construed to apply to any book written, or thing invented by such person.

Misdemeanor.

Sec. 157. Any person violating the provisions of section one hundred and fifty-six shall be guilty of a misdemeanor, and upon conviction thereof be fined not less than fifty nor more than one hundred dollars.

No School Officer to be Interested in Contract.

Sec. 158. No county superintendent, member of a board of education, or trustee of any sub-district, shall directly or indirectly be or become personally interested in any contract for building or repairing school houses in his district, or be or become directly or indirectly, pecuniarily interested in the proceeds of any contract in the award or letting of which, he may have any voice or control; any county superintendent, member of such board, or any trustee, violating this section, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty and not more than one hundred dollars.

Penalty not Otherwise Provided.

Sec. 159. If any officer or teacher, fail to perform any duty required of him by this chapter or violate any provision thereof and there is no other fine or punishment imposed therefor, by law,

he shall be fined not less than three, nor more than ten dollars, for every such offence, to be recovered before a justice of the peace of the county; and such fine shall not impair or effect his liability for damages to any person injured, nor the liability of himself and his sureties on his official bond. If the board of education of any district or independent school district, fail to perform any duty required, each member of such board shall be liable to the full penalty imposed by this section, unless he show that he was not guilty of any neglect or default in the premises.

Special Elections.

Sec. 160. Whenever any special election is to be held under the provisions of this chapter, the time, place and manner of holding and conducting the same, and the manner of certifying the result thereof shall be first fixed and determined by the board ordering the same to be held, and shall conform as nearly as practicable under all the circumstances to the law now in force as to general elections.

Definitions.

Sec. 161. The words used in this chapter and in any proceedings pursuant thereto, shall, unless the context clearly indicates a different meaning, be construed as follows: (1) "School" shall mean the pupils and teacher or teachers assembled in one room. (2) "Primary school" shall mean a school graded according to the scheme formulated by the common course of study and devoted exclusively to instruction in a part or all of the work prescribed for the primary grades. (3) "Grammar" or "Intermediate school" shall mean a school graded according to the scheme formulated by the committee on course of study and devoted exclusively to instruction in a part or all of the work prescribed for the grammar grades. (4) "High school" shall mean a school or schools graded according to the scheme formulated by the committee on course of study and devoted exclusively to instruction in all of the work prescribed for the high school grades. (5) "Graded school" shall mean a school of two or more rooms, graded according to the scheme formulated by the committee on course of study in which a part of the work is done in one room and more advanced work in the next room, there being a regular gradation in the work from one room through all

the rooms from the lowest or most elementary to the highest. (6) "Holiday" shall mean the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the twenty-fifth day of December, a day on which an election is held throughout the state, and a day appointed by the governor of the state for a public fast or thanksgiving. (7) "Apparatus" shall mean maps, charts, globes, arithmetical blocks, rules, pointers, dictionaries and atlases. (8) "District" shall not mean independent district.

Flags Displayed.

Sec. 162. The board of education may out of the building fund purchase United States flags four by six feet, of regulation bunting, for school houses in their district, and require the same to be displayed over such school houses during the time the school is in session.

District Supervision.

Sec. 163. The board of education of any district may, and upon the application in writing of a majority of the taxpayers of the district shall provide for district supervision of all the county, village and town schools in the district and establish rules and regulations necessary thereto. To this end they shall, if so requested, employ a competent teacher, holding a first grade certificate who shall devote all his time during the school term to the thorough, careful and profitable supervision of such schools and as such district superintendent shall have and exercise all the powers, duties, and privileges usually conferred upon city superintendents. But nothing contained herein shall prevent such boards of education from employing and authorizing the principal of any graded school in the district to preform the duties of a district superintendent in addition to his duties as such principal: *provided* that he shall devote at least half of the time to such superintendence.

The district superintendent shall receive such salary as the board of education may determine, to be paid out of the teachers' fund of the district as provided in the case of teachers.

District superintendents shall make such reports as may be required by the state superintendent of free schools.

Board may Take Charge.

Sec. 164. The board of education may take charge of schools so

supervised and appoint the teachers therefor and may provide that all the schools in the district shall begin on the same date.

Text Books.

Sec. 165. All the provisions of law now in force and effect for the adoption of text-books shall continue operative until changed by law.

THE WEST VIRGINIA UNIVERSITY.

Location.

Sec. 166. The West Virginia University shall hereafter remain where now located and shall continue to be known as the West Virginia University.

Regents.

Sec. 167. The government and control of the said university shall continue, as now, to be vested in a board of regents, consisting of nine persons to be called "The regents of the West Virginia University," not more than six of whom may belong to the same political party. The regents now in office shall serve for the term for which they were appointed, and on or before the fifteenth day of March, nineteen hundred and nine, or as soon thereafter as convenient, the governor shall appoint five of said regents whose term shall begin on the first day of May following; and likewise, on or before the fifteenth day of March, nineteen hundred and eleven, he shall appoint four regents whose term shall begin on the first of May following. The two classes of regents thus appointed shall serve for four years and until their successors are appointed and qualified, and thereafter the term shall be for a like period of four years. A vacancy occurring in the board shall be filled by appointment by the governor for the unexpired term.

Corporation—Title to Property.

Sec. 168. The regents shall be a corporation by the name of "The Regents of the West Virginia University," and as such may sue and be sued, plead and be impleaded, contract and be contracted with, and shall succeed and be substituted to all the rights heretofore held

by the regents of the West Virginia University, and be vested with the title to all the real estate now owned by the said institution, and shall receive, hold, and dispose of, according to law and the intent of the instrument conveying title, any gift, grant, devise, or bequest, made for the use of the said institution.

Quorum.

Sec. 169. A majority of said regents shall constitute a quorum, but no contract for the construction or the permanent alteration of buildings shall be made, no professors, instructors, or officers employed or removed from office or their salaries changed, and no rule or regulation adopted by a majority of the regents shall be amended or repealed, except by the affirmative vote of at least a majority of said regents.

Rules and Regulations.

Sec. 170. The regents shall adopt rules and regulations for the organization and government of the university and elect a president and the requisite number of professors, instructors, officers and employees and fix the salary and term of office of each.

Officers.

Sec. 171. They shall appoint a superintendent of buildings and grounds for the university and a secretary and treasurer for the said regents, taking from the said treasurer a bond with ample security in double the amount of money that will probably come into his hands at any time.

Departments.

Sec. 172. The regents shall establish and maintain in the university, in addition to the preparatory department, such colleges, schools, departments, divisions, chairs, and courses of study as may be expedient and possible, and shall prescribe the conditions for graduation therein and confer the proper degrees, and the diploma issued upon graduation to any student who has taken at least six courses in the department of education in said institution shall be equivalent in all respects to and shall entitle the holder thereof upon application

in due form to the state superintendent to a first grade certificate in duplicate.

Cadets.

Sec. 173. Besides prescribing the general terms upon which students may be admitted to the university, the regents may admit, as regular students therein, not more than two hundred and twenty-five cadets in the military department. Each member of the senate shall be entitled to appoint one cadet from his district, on or before the first day of June in the second year of his term, and one cadet on or before the first day of June in the fourth year of his term. Each member of the house of delegates shall be entitled to appoint one cadet from his county on or before the first day of June next preceding the end of his term. In case a cadetship filled by appointment by any member of the legislature shall become vacant, the member making the appointment, or his successor, shall fill the same by a new appointment within the limits of time aforesaid. But no senator or delegate shall appoint any cadet until he receives a certificate from the president of the university, or the commandant of cadets, giving him notice of his right to do so; and he shall not have the right to exercise such power of appointment so long as two cadets are accredited to him and his predecessor, either by original appointment or by reenlistment. All other cadets necessary to make up the full complement of the corps, shall be appointed by the regents, including vacancies, if any, caused by the failure of any member of the legislature to make his appointment. Cadets shall not be under sixteen years of age and shall not be over twenty-two years of age. Their appointment shall be made upon undoubted evidence of good moral character and sound physical condition. Their term of service shall be two years, but any cadet, at the expiration of his first term shall be entitled to reenlist for the further term of two years, upon giving notice of his intention to the commandant of cadets at least thirty days before the expriation of such term. But not more than fifteen cadets shall be appointed from any senatorial district, and not more than eight from one county.

Free Tuition.

Sec. 174. The cadets admitted under the provisions of the preceding section shall be entitled to all the privileges, immunities, educa-

tional advantages and benefits of the university, free of charge for admission, tuition, books and stationery, and shall constitute the public guard of the university, and of the public property belonging thereto, and of the ordnance and ordnance stores, and camps and garrison equipage, of which a sufficient supply shall be kept in the arsenal belonging to the institution, and shall be individually and collectively responsible for the preservation and safe-keeping of all arms and camp equipage belonging to said institution.

Endowment.

Sec. 175. The regents shall invest the funds derived from the sale of United States land warrants, donated to the state for endowing an agricultural college, in such securities as may be prescribed by act of congress.

State Treasurer to Receive Grant.

Sec. 176. For the use and purposes of the West Virginia university there is hereby set apart the sum of twenty thousand dollars out of the annual appropriation made by the act of congress, approved August thirtieth, eighteen hundred and ninety, and the treasurer of this state is hereby designated as the proper officer to receive from the secretary of the treasury of the United States the said sum of money to be paid this state under said act of congress. He shall keep an exact account of the money so received and shall place it to the credit of the West Virginia University to be paid on the order of the board of regents. And said treasurer shall include in his biennial report to the governor the statement of his receipts and disbursements under this provision.

STATE NORMAL SCHOOL.

Marshall College.

Sec. 177. The "West Virginia State Normal School," established under and by virtue of an act passed February twenty-seventh, one thousand, eight hundred and sixty-seven, entitled "An act for the establishment of a state normal school," shall be and remain at Marshall College, in the county of Cabell, as provided in said act, and all the provisions of said act, and all other acts in relation thereto, shall be and remain in full force, except so far as the same may be altered by this chapter.

Regents.

Sec. 178. For the government and control of said school and its branches, there shall be a board of regents, consisting of the state superintendent of free schools, together with six other persons, to be appointed, by the governor as hereinafter provided, who shall be called the "Regents of the State Normal School," and as such may have a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, and take, hold and possess real and personal estate for the use of said school. The transfer and conveyance by the board of supervisors of Cabell county, of lands and building of Marshall College and of the real estate heretofore conveyed by the Central Land Company of West Virginia to the regents of said school heretofore appointed, is hereby accepted, confirmed and legalized. But in case the said school should at any time hereafter be removed from the said Marshall College, the said property so conveyed shall revert to and be vested in the county court for the use of the said county of Cabell.

The regents now in office shall serve for the term for which they were appointed and between the fifteenth day of March and the fifteenth day of April, nineteen hundred and nine, the governor shall appoint three regents whose term shall begin on the first day of June following; likewise, there shall be appointed between the fifteenth day of March and the fifteenth day of April, nineteen hundred and eleven, three regents whose term shall begin on the first day of June following. Not more than two regents of each of said two classes shall belong to the same political party and all the regents so appointed shall serve for four years and until their successors are appointed and qualified. A vacancy occuring in the board shall be filled by appointment by the governor for the unexpired term.

Government Control—Diploma.

Sec. 179. The said school shall be under the general supervision and control of the said regents. They shall have full power and authority to adopt and establish such by-laws, rules and regulations for its government as they may deem necessary and proper, to effect the object of its establishment, not inconsistent with the laws of this state. They shall fix the number and compensation of the teachers, and others to be employed therein, and appoint and remove the same; prescribe the preliminary examination of pupils, and the terms and

conditions on which they shall be received and instructed in said school: *provided,* that all pupils admitted free of tuition to any one school, shall not exceed in number the whole number apportioned to such county for admission to all normal schools of this state; the branches of learning to be taught in each department thereof, and shall determine the number of pupils to be received in the normal department of said school from each county or judicial circuit of of this state, conforming as nearly as possible to the ratio of population therein, and the mode of selecting them. The pupils admitted into the normal department of said school shall be admitted to all the privileges thereof, free from all charges of tuition, or for use of books or apparatus; that every such pupil shall pay for all books lost by him or damage done by him to such books or apparatus; and any pupil in said school may be dismissed therefrom by said regents or by the executive committee, subject to the approval of the regents, for immoral or disorderly conduct, or for neglect or inability to perform his duty. The state superintendent of free schools shall prepare suitable diplomas to be granted to the students of the normal department of said school who have completed the course of study and discipline prescribed by said regents, which diploma hereafter issued shall be equivalent in all respects to a first grade certificate for a period of five years. The said regents may establish a pay department in said school whenever the accommodations thereof will admit of the same, and may admit into such department so many paying students as can be accommodated therein from this or any other state, whether they desire to become teachers of schools or not.

They may cause to be taught in the said department of said school, all or any of the branches of learning usually taught in colleges and seminaries, and for that purpose may establish therein the necessary professorships.

They may also make all necessary rules and regulations for the government of said department and prescribe the tuition and the terms of admission therein. The said school shall continue to be called and known by the name of "Marshall College."

Executive Committee.

Sec. 180. The said regents shall appoint three intelligent and discreet persons, residents of the county of Cabell, who shall constitute an executive committee for the care and immediate manage-

ment and control of said school, subject to the rules and regulations prescribed by the regents. Said committee shall (subject to the control of the said regents,) designate the person to take charge of the boarding department of said school, and fix the price to be paid for board therein. They shall from time to time make full and detailed reports to said regents of the conditions, working and prospects of said school, and shall perform such other duties in relation thereto as the said regents may from time to time prescribe.

Fairmont Branch.

Sec. 181. The branch of the state normal school established at Fairmont, under and in pursuance of the act passed March fourth, one thousand eight hundred and sixty eight, entitled, "An act providing for the purchase of the West Virginia Normal School at Fairmont," shall be and remain at that place, and all provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the state normal school, in the same manner and to the same extent as the state normal school at Marshall College.

West Liberty Branch.

Sec. 182. The branch of the State Normal School established at West Liberty, under and in pursuance of the act passed March first, one thousand eight hundred and seventy, entitled "An act to establish a branch normal school at West Liberty, in Ohio county," shall be and remain at that place, and all provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the state normal school, in the same manner and to the same extent as the state normal school at Marshall College.

Glenville Branch.

Sec. 183. The branch of the State Normal School established at Glenville under and in pursuance of the act passed the nineteenth day of February, one thousand eight hundred and seventy-two, entitled "An act to establish a branch normal school at Glenville, Gilmer county," shall be and remain at that place, and all the provisions of said act shall remain in full force except so far as the same

may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the state normal school in the same manner and to the same extent as the state normal school at Marshall College.

Shepherdstown Branch.

Sec. 184. The branch of the State Normal School established at Shepherdstown, under and in pursuance of the act passed and approved February fourteenth, one thousand eight hundred and seventy-two, entitled, "An act to establish a branch normal school at Shepherdstown, in the county of Jefferson," shall be and remain at that place and all the provisions of said act shall remain in full force except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and contral of the regents of the State Normal School, in the same manner and to the same extent as the State Normal School at Marshall College.

Athens Branch.

Sec. 185. The branch of the State Normal School at Athens in Mercer county, established by the act passed the twenty-eighth day of February, one thousand eight hundred and seventy-two, entitled "An act to locate a branch state normal school at Concord in the county of Mercer," shall be and remain at that place and all the provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the state normal school in the same manner and to the same extent as the State Normal School at Marshall College.

Monthly Report.

Sec. 186. The principals of the State Normal School and its branches shall make, at the close of each month thereof, to the president of the board of regents, in addition to the annual reports required of them, a report, under oath of the number of non-paying normal school pupils and the number of paying pupils in the several departments of the school in actual monthly attendance during said term.

Payment of Salaries.

Sec. 187. The president and the board of regents of the State

Normal School and its branches upon receipt of the reports required under the provisions of this chapter, shall issue his requisition upon the auditor of the state for the total amount of salary due the teachers in each normal school for the month covered by the report, which sum shall be remitted to the treasurer of the executive committee of each normal school, but in no instance shall the amount paid out to all normal schools for any one month exceed one tenth of the amount appropriated for the support of the normal school and its branches for that year.

Normal Training for Colored Teachers.

Sec. 188. The state superintendent of free schools shall if possible, in every year, make arrangements with some suitable institution of learning in this state for the education and normal school training of a number of colored teachers in proportion to the colored population of the state which the non-paying white students in the normal schools bear to the white population of the state; but the amount to be paid for such education and normal school training shall be in the same proportion to the amount expended for the pay of teachers in the normal school and its branches as the said colored teachers are in proportion to the number of students in the normal school and branches. And the said amount shall be paid by the state superintendent of free schools at the end of each school month as provided in the case of the normal school and branches.

PREPARATORY BRANCH OF THE WEST VIRGINIA UNIVERSITY AT MONTGOMERY, FAYETTE COUNTY.

Location.

Sec. 189. The Preparatory Branch of the State University heretofore established at Montgomery, shall remain where now located and shall be known as the Montgomery Preparatory Branch of the West Virginia University, by which name it shall have and hold all property, funds, investments, rights, powers and privileges granted by this act, by bequest, private subscriptions, donation or otherwise.

Regents.

Sec. 190. For the government and control of said school there shall be a board of regents consisting of the state superintendent of

free schools and the members of the board of regents of the West Virginia University. As such they may sue and be sued, plead and be impleaded, contract and be contracted with and have a common seal.

Powers.

Sec. 191. Said board shall have all the powers to act and shall act and be controlled according to and under the laws of chapter forty-five of the code of West Virginia governing the board of regents of the West Virginia University, except as herein limited by this act.

Title.

Sec. 192. That the title to all grounds, buildings and improvements shall be vested in the board of regents of said school, to be used and controlled, as, in like manner, is the property of the West Virginia University used and controlled by its said board of regents.

Branches Taught.

Sec. 193. There shall be taught in said school such branches of learning as are taught in the preparatory department of the West Virginia University and in the normal schools of this state; but no student shall receive instruction free of tuition in any of the branches herein designated, except as to such as are taught free in the preparatory department of the University of West Virginia.

Teachers.

Sec. 194. It shall be the duty of said board of regents to employ and fix the salaries of a sufficient and competent corps of teachers and other necessary officers. Such teachers and officers to be paid as is provided by law for the payment of teachers and officers of the West Virginia University.

Tuition.

Sec. 195. All students of this or other states desiring to take other branches of study than those designated in said preparatory courses or take other courses of study in said school, shall pay such tuition as shall be hereinafter fixed by the faculty of said school.

KEYSER PREPARATORY BRANCH OF THE WEST VIRGINIA UNIVERSITY.

Location.

Sec. 196. The Preparatory Branch of the State University heretofore established at Keyser shall remain where now located and shall be known as the Keyser Preparatory Branch of the West Virginia University, by which name it shall hold all the property, funds, investments, rights, powers granted, and may receive and hold by bequest, private subscriptions, donations or otherwise, money and other property.

Regents.

Sec. 197. For the government and control of said school, there shall be a board of regents consisting of six members, who shall be appointed by the governor; not more than four of whom shall be of the same political party, and who, with the state superintendent of free schools, who shall be *ex-officio* member shall constitute said board; the regents now in office shall serve until the expiration of the term for which they were appointed, and prior to the first day of May, nineteen hundred and nine, the governor shall by and with the advice and consent of the senate appoint three regents for the term of four years, beginning June first; likewise, on or before the first day of May, nineteen hundred and eleven, he shall appoint three regents whose term shall begin on the first day of June following. Vacancies occurring in the board shall be filled by the governor as they occur.

The members of said board shall be appointed from the citizens of Mineral, Grant, Hardy, Morgan, Pendleton, Tucker, Preston and Hampshire counties, and before entering upon the discharge of their duties, the members of the board shall take an oath to faithfully discharge their duties. The said board shall be known as "The Board of Regents of the Keyser Preparatory Branch of the West Virginia University," by which name said board shall sue and be sued, make contracts, receive and hold real and personal property as aforesaid.

Title.

Sec. 198. Title to the property, buildings and improvements except under the provisions of this act, shall be vested in the board of

regents of said school, to be used and controlled for the purpose of this act.

Branches Taught.

Sec. 198½ There shall be taught in said school such branches of learning as are taught in the preparatory department of the West Virginia University and in the normal schools of this state, including mechanics, and such other branches as shall fit the pupils for useful trades and callings. But no student shall receive instruction free of tuition in any of the branches herein designated, except as to such as are taught free in the Preparatory Department of the West Virginia University.

Teachers.

Sec. 199. It shall be the duty of said board of regents to employ and fix the salaries of a sufficient and competent corps of teachers and officers, to be paid as provided by law, and as directed by said board of regents.

Tuition.

Sec. 200. All students of this or other states desiring to take other branches than those designated in said preparatory course, or to take other courses of study in said school, shall pay such tuition as shall be fixed by the board of regents.

Income.

Sec. 201. All moneys arising from tuition, matriculation fees or otherwise coming into the hands of the treasurer of said school, shall be used and applied to the payment of the teachers' salaries and other liabilities of said school.

Officers.

Sec. 202. The board of regents of said school shall have power to appoint a treasurer, and require him to give bond, with good security to be approved by said board, and also a secretary, to appoint an executive committee of not more than three persons, citizens of

Keyser, to have the care, control and management of said school, under the order and direction of the board of regents.

Compensation.

Sec. 203. Members of the board of regents shall receive four dollars per day for the time actually employed by them and their actual expenses while attending a meeting of the board, which shall be verified by oath.

THE WEST VIRGINIA COLORED INSTITUTE.

Act of Congress.

Sec. 204. An act accepting the provisions of the act of congress, approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress, approved July second, eighteen hundred and sixty-two," and providing for the apportionment of said endowment according to the provisions of said act.

WHEREAS, The congress of the United States of America, by an act approved August thirtieth, eighteen hundred and ninety, entitled, "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July second, eighteen hundred and sixty-two," made an appropriation to each state and territory of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety; and an annual increase of said appropriation thereafter for ten years by the additional sum of one thousand dollars over the preceding year, after which time the annual amount so appropriated will be twenty-five thousand dollars for the more complete endowment and maintenance of the colleges established under the act of congress last aforesaid," to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural and economic science, with special reference to their application in the industries of life; and to the facilities for such instruction," and

WHEREAS, By proviso in said act no state can obtain the bene-

fits thereof where facilities are not provided for the instruction of colored students in said branches of study, either in the same institution or in separate institutions, and the legislature of the several states are required to make an equitable division of said annual appropriation where such separate institutions are provided and report the same to the secretary of the interior, and

Whereas, The constitution of the state of West Virginia forbids the education of white and colored youth in the same state schools; and this state having heretofore made no provision for the separate education of colored youth in agricultural and mechanic arts; and the enumeration of the white and colored youth of this state of school age, being about two hundred and fifty thousand white and twelve thousand colored, it being the duty of this state to indicate a reasonable proportion of said appropriations to be set apart annually for the instruction of the colored youth of the state, the sum of three thousand dollars is hereby indicated as an equitable portion of said appropriations for five years from the date of the passage of this act, and after that time five thousand dollars as long as such appropriation continues; and

Whereas, By the terms of the said act of congress of the United States, approved August thirtieth, eighteen hundred and ninety, it is necessary, in order to enable this state to share in the appropriations so made and to be made under the provisions of said last recited act, for the legislature to accept of the provisions of said act for and on behalf or this state, and to make proper and suitable provisions for said act upon which this state will be entitled to her distributable share of said appropriations, and to designate the institutions of learning to become the beneficiaries of said appropriations, and the officer of this state to whom the money shall be paid by the United States for the use of said beneficiaries.

Therefore, Be it Enacted by the Legislature of West Virginia:

Acceptance of Grant.

Sec. 205. The legislature of the state of West Virginia hereby accepts for said state, the terms and provisions of the said act of congress of the United States approved August thirtieth, eighteen hundred and ninety, for the objects and purposes mentioned and declared therein, and designates "The West Virginia University," established in pursuance of the act of congress of the United States passed July two, eighteen hundred and sixty-two, and a subsequent act passed

by said congress on April nineteen, eighteen hundred and sixty-four, at Morgantown, in the county of Monongalia in this state, as a beneficiary of said appropriation for the instruction of white students, and an institution to be located and provided for the purpose as hereinafter required and directed, in the county of Kanawha, to be called "The West Virginia Colored Institute," for the beneficiary of said appropriation for the instruction of colored students, to be paid to each in the proportion mentioned in the preamble to this act. And the said institution by the name of "The West Virginia Colored Institute," shall have and hold all the property, funds, rights, powers and privileges hereinafter mentioned.

Regents.

SEC. 206. For the government and control of said institute, there shall be a board of regents, consisting of the state superintendent of free schools and six other competent persons, not more than four of whom shall belong to the same political party, to be called the "Regents of the West Virginia Colored Institute," and as such board they may sue and be sued, plead and be impleaded, and have a common seal. The governor shall, between the fifteenth day of March and the fifteenth day of April, in the year nineteen hundred and nine, and every four years thereafter, nominate and, by and with the advice and consent of the senate, appoint said six regents, whose term of office shall begin on the first day of June next following their appointment, and continue for four years and until their successors are appointed and qualified. Vacancy in the office of regent shall be filled by appointment by the governor for the unexpired term. Said board shall have the care, custody and control of the property and funds of the institute, and may accept from any person or persons, gifts of money or property for the use of said institute; and all such money and property when so received by them, shall be held in trust by them for the use and benefit of the institute, and applied thereto as the donors may have directed, and if no such directions have been given, as a majority of the regents may determine.

Regents to Establish Departments.

SEC. 207. The board of regents shall from time to time establish such departments of education in literature, science, art and agriculture, not inconsistent with the terms of the several acts of congress hereinbefore referred to as they deem expedient, and as the

funds under their control will warrant, and purchase such materials, implements and apparatus, as may be requisite to the proper instruction of said colored students in all said branches of learning as to carry out the intent and purpose of said acts of congress.

Rules and Regulations.

Sec. 208. The state superintendent of free schools shall prepare suitable diplomas to be granted to the students of the normal department of said school who have completed the course of study and discipline prescribed by said regents, which diploma hereafter issued shall be equivalent in all respects to a first grade certificate for a period of five years. The said regents may establish a pay department in said school whenever the accommodations thereof will admit of the same, and may admit into such department so many paying students as can be accommodated therein from this or any other state. The said board shall establish and declare such rules, regulations and by-laws, not inconsistent with the laws of the United States or of this state, as they may deem necessary for the proper organization, the tuition of the students and the good government of the institute, and the protection of the property belonging thereto. All reasonable expenses incurred by said regents in the discharge of their duties hereby imposed upon them shall be allowed by the governor and paid out of the treasury of the state, in like manner as other charges on the treasury are paid.

State Treasurer to Receive Grants.

Sec. 209. The treasurer of this state is hereby designated as the officer to receive from the secretary of the treasury of the United States the said several sums of money so to be paid to this state aforesaid, for the uses and purposes aforesaid. He shall keep an exact account of the moneys so received, and shall place to the credit of each of said beneficiaries thereof, its due proportion of the same. The sums so placed to the credit of the West Virginia University shall be paid out by him on the order of the board of regents thereof, and the sums so placed to the credit of the West Virginia Colored Institute, shall be paid out by him on the order of the board of regents of said institute. And said treaurer shall include in his biennial report to the governor a statement of his receipts and disbursements under the provisions of this act.

Site and Buildings.

Sec. 210. It shall be the duty of the board of the school fund to proceed with all reasonable dispatch to procure the necessary quantity of farming land not exceeding fifty acres in all in some suitable and proper locality in the county of Kanawha, with a title thereto clear and unquestionable, and to erect the necessary buildings and make the necessary improvements thereon, for the purposes of this act, and to comply in good faith with the terms and conditions, and to carry into effect the objects and purposes of the acts of congress in making said appropriations.

BLUEFIELD COLORED INSTITUTE.

Location.

Sec. 211. The Bluefield Colored Institute shall remain where now located, and shall be known as the "Bluefield Colored Institute," by which name it shall have and hold all the property, funds, investments, rights, powers and privileges created by this act, by bequest, private subscription, donation or otherwise.

Regents.

Sec. 212. For the government and control of said institute there shall be a board of regents consisting of the state superintendent of free schools and five other persons, not more than three of said persons shall belong to the same political party.

Said board shall be a body corporate under the style of "Board of Regents of the Bluefield Colored Institute," and as such may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal. The governor shall, between the fifteenth day of March and the fifteenth day of May, in the year nineteen hundred and nine and every four years thereafter, nominate and, by and with the advice and consent of the senate, appoint said five regents, whose term of office shall begin on the first day of June next after their appointment and continue for four years and until their successors are appointed and qualified. A vacancy in the office of regent shall be filled by appointment by the governor for the unexpired term. The compensation of said regents shall be the same as that provided for the regents of the West Virginia Colored Institute.

Powers.

Sec. 213. Said board shall have all the powers to act, and shall act and be controlled according to and under the laws governing the board of regents of the normal schools of this state, except as here limited by this act.

Property Vested in Board.

Sec. 214. All grounds and improvements belonging to said institution shall be vested in the board of regents of said school, to be used and controlled in like manner as the property of the normal school and branches is used and controlled by its said board of regents.

Branches to be Taught.

Sec. 215. There shall be taught in said school such branches of learning as are taught in the preparatory department of the West Virginia University and in the normal schools of this state, but no student shall receive instruction free of tuition in any of the branches here designated except as provided in section one hundred and seventy-nine of chapter forty-five of the code of West Virginia, and as to such as are taught free in the preparatory department of the University of West Virginia.

Teachers.

Sec. 216. It shall be the duty of the said board of regents to employ and fix the salaries of a sufficient and competent corps of teachers and other necessary officers, such teachers and officers to be paid as is provided by law for the payment of teachers and officers of the normal schools of this state. The said salaries to be paid out of any moneys in the state treasury not otherwise apportioned.

Tuition.

Sec. 217. All students of this state desiring to take other branches of studies than those designated in said preparatory course or taking other courses of study in said school, shall pay such tuition as shall hereafter be fixed by the faculty of said school.

Expenditures.

Sec. 218. All money arising from tuition, matriculation fees or otherwise, coming into the hands of the treasurer of said school, shall be used and applied to the payment of teachers' salaries and other liabilities of said school.

THE WEST VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND.

Sec. 219. The West Virginia School for the Deaf and the Blind heretofore established shall remain at Romney and be known as "The West Virginia School for the Deaf and the Blind."

Regents.

Sec. 220. For the government and control of said school there shall be a board of regents consisting of nine persons to be appointed by the governor, as hereinafter provided, who shall be called "The Regents of the West Virginia School for the Deaf and the Blind," and as such may have a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, and take, hold and possess real and personal estate for the use of said school.

Regents—Appointment of.

Sec. 221. The Board of Regents of the West Virginia School for the Deaf and the Blind shall be composed of nine members. These shall be divided into three classes of three regents each and shall be appointed as follows: On or before May thirty-one, nineteen hundred and nine, the governor shall, by and with the consent of the senate, appoint three regents; on or before May thirty-one, nineteen hundred and eleven, he shall appoint three; and on or before May thirty-one, nineteen hundred and thirteen, he shall appoint three, and the regents so appointed shall serve for a term of six years from the first of June following their appointment and until their successors are appointed and qualified. The regents now in office shall serve for the term for which they were appointed. The governor may by appointment fill any vacancy occurring in the board for the unexpired term, and any regent appointed during the recess of the senate shall serve until the next meeting of the senate. Not more than two members of each of the three classes of regents hereinbefore mentioned, shall belong to

the same political party and two regents shall not be appointed from the same senatorial district.

Meetings.

Sec. 222. The board of regents shall appoint one of their number president, and in case of his absence, a president *pro tempore*, and shall appoint a secretary, and all orders, drafts, or requisitions for money from the state shall be signed by the secretary and countersigned by the president. Said board shall meet annually on the third Tuesday in October and at such other times as they may think necessary. Extra meetings may be called by the president or by any three members of the board by notifying the other members of the time and place of the meeting and the nature of the business which renders an extra meeting necessary. A majority of the board shall constitute a quorum for the transaction of all ordinary business, but the board may in its discretion, designate business which may be transacted by a stated number of regents less than a quorum.

Principal.

Sec. 223. It shall be the duty of the principal under the direction of the board, to superintend the affairs necessary for the proper conduct of the institution, and to make such general regulations as may be necessary for the successful management of the same and to purchase such books and apparatus as may be necessary for the efficient working of the institution.

Teachers—Overseers—Employees.

Sec. 224. Said board shall appoint a principal and all necessary teachers, officers and employees, and shall provide the furniture, fixtures, apparatus and other things necessary for the comfort and convenience of the pupils of the institution.

Steward—Salaries—Residence.

Sec. 225. The said board may, when they deem it necessary, elect a steward; and the principal and matron shall reside in the institution and the steward and teachers in or near it. All salaries shall be fixed by the board of regents and shall be paid monthly or quar-

terly, as the board may deem proper, out of the funds appropriated by the legislature.

Physician.

SEC. 226. The board of regents shall employ as visiting physician of the institution, a physician of reputable standing in his profession, and fix his salary, not to exceed five hundred dollars per annum, to be paid in the same manner as the salary of teachers. And it shall be his duty to render all medical assistance necessary to the pupils in the institution.

Bond.

SEC. 227. The principal and steward shall give bond with approved security in such amount as the board of regents may direct, for the faithful discharge of their respective duties.

Regulations—Reports.

SEC. 228. The board of regents shall prescribe such by-laws, rules, and regulations for the government and conduct of the institution under their charge as shall be necessary to secure the harmonious and efficient management of said institution in all its parts. They shall require such reports from the principal, steward, matron and physician as in their opinion the welfare of the institution may demand, and they shall annually, on or before the first day of December, report to the governor all the facts and circumstances in connection with the conduct and progress of the institution, with a careful statement of all the receipts and expenditures of the same, and shall accompany their annual reports with such recommendations and suggestions as will enable the state efficiently to foster and promote the enterprise of educating the deaf and blind youth within its limits. The fiscal year of the institution shall end on the last day of September, and the accounts of the institution shall be kept with reference to said fiscal year.

Accommodations.

SEC. 229. The board of regents may provide in said institution accommodations for all the officers, teachers, assistants and employees, and for all the deaf and blind youth resident of the state who may apply for admission to the said institution, between the ages of eight and twenty-five years, and for such other deaf and blind persons as may

apply for admission as pay pupils under such regulations as said board may direct, but all youth admitted must be of sound mind and not afflicted with any contagious disease.

Admission.

Sec. 230. All such deaf and blind youth resident of the state, between the ages of eight and twenty-five years, shall be admitted to the institution on application to the principal, until the institution is filled. Applicants shall be admitted in the order of their application, and it shall be the duty of the principal to keep a careful record of the names of all applicants, with the dates of the admission and discharge, their age, post office address, the name of their parents or guardians, and the degree, cause and circumstances of their deafness and blindness.

Clothing.

Sec. 231. All such deaf and blind pupils shall be admitted as above directed without charge for board and tuition; and when not otherwise provided with clothing they shall be furnished therewith by the institution while they are pupils therein, and the principal shall make out an account therefor in each case against the respective counties from which said pupils come, in an amount not exceeding forty dollars per annum for every such pupil, which account shall be sworn to by the principal and countersigned by the secretary, and which shall be transmitted by the principal to the auditor of the state, whose duty it shall be to transmit a copy of the same to the clerk of the county courts of the respective counties in which such pupils live, and the county court of such counties shall thereupon at their next session thereafter held for the purpose of making a county levy, include in such levy the amount of said account against their counties, and cause an order to be issued on the sheriff of the county in favor of the auditor of the state, and cause the same to be transmitted by the clerk of said court to the auditor, whose duty it shall be to collect the same and place it to the credit of the institution, to be drawn out upon a requisition as a part payment of the current expenses of said school. If the same is not paid to the auditor by the respective counties from which they are due in a reasonable time, it shall be the duty of the auditor to collect the same by law.

Age.

Sec. 232. The pupils of said school may continue therein five years, and for as much longer as in the discretion of the board and principal their condition and progress would seem to justify. After all the applicants between the prescribed ages of eight and twenty-five years have been admitted, if there are accommodations, the principal may admit other deaf and blind persons who may be of suitable age to receive any advantage from the institution, and upon such terms as the board may prescribe; but it shall be distinctly understood that such persons shall withdraw from the institution in the order of their admission to make room for new applicants between the ages prescribed.

Instruction.

Sec. 233. The course of instruction in the institution shall be prescribed by the board of regents with the advice of the principal, and shall be as extensive both in the intellectual, musical and mechanical departments as the capacities and interests of the pupils may require.

Registration of Deaf and Blind.

Sec. 234. In addition to their other duties the assessors of the state are hereby required to register in a book to be furnished them by the auditor for the purpose, the names of all the deaf and the blind persons in their respective districts, with the degree and cause of deafness and blindness in each case as far as can be ascertained, from the heads of the families, or from other persons whom the assessors may conveniently consult, their ages, the names of their parents or guardians, their post office address, and such other facts as may be useful in making the said institution efficient in ameliorating the conditions of the deaf and blind. They shall complete the registration as early as possible and forward their report to the auditor who shall if practicable before the first day of July, or as soon thereafter as possible make an alphabetical abstract of all the facts furnished him by the assessors' reports, and shall send the same by mail to the principal of the West Virginia School for the Deaf and the Blind, and said principal is hereby further required to put himself into immediate correspondence with all the deaf and blind persons,

of suitable age and condition, mentioned in the auditor's abstract, with a view to their admission as pupils into said school.

Compensation of Assessors.

Sec. 235. The assessors shall receive for the extra duties hereby imposed the same compensation as now allowed them for the registration of births and deaths, and shall be liable to the same penalties for failure to discharge their duties.

WEST VIRGINIA REFORM SCHOOL.

Sec. 236. The West Virginia Reform School heretofore established shall hereafter remain at Pruntytown and be known as the West Virginia Reform School.

Regents.

Sec. 237. For the government and control of said reform school there shall be a board of regents consisting of five persons to be appointed by the governor as hereinafter provided, who shall be called "The Regents of the West Virginia Reform School," and as such may have a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, and take, hold and possess real and personal estate for the use of said school.

Said board of regents shall consist of five members who shall be residents and voters of the state. Not more than three of said regents shall be appointed from the same political party, and no two shall be appointed from the same senatorial district. The regents now in office shall serve for the term for which they were appointed and as the term of each regent now in office expires, the governor shall fill the place by appointment. Each regent appointed shall serve for a period of four years and until his successor is appointed and qualified. The governor may by appointment fill any vacancy occurring in the board, for the unexpired term.

President—Quorum.

Sec. 238. The board of regents shall biennially choose one of their body to be president of the board, and in his absence shall choose a president *pro tempore*. A majority of the board shall constitute a quorum, but the board may in its discretion designate business, of

a nature by it to be specified, which may be transacted by a stated number of regents less than a quorum.

By-Laws, Etc.

Sec. 239. The board of regents shall make such ordinances, rules, and regulations relative to the management, government, instruction, discipline, training, employment and disposition of the minors in the reform school, not contrary to law, as they may deem proper, and shall appoint such officers, agents and employees as they may deem necessary to transact the business and carry on the operation of said reform school, and may designate their duties.

Annual Report of Board of Regents.

Sec. 240. The board of regents shall make an annual report to the governor of their transactions, of the number of minors received by them in the said reform school, the disposition which has been made of such minors, by instructing or employing them therein or by binding them out as apprentices; the receipts and expenditures of said board of regents, and generally all such facts and particulars as may tend to exhibit the influences, whether beneficial or otherwise, of said reform school.

Inmates—Who may be Committed and for What—Manner of Commitment.

Sec. 241. Any boy under the age of eighteen years may be committed to and received into the West Virginia Reform School for the reasons and in the manner following:

First—By a justice of the peace of the county in which he resides, on complaint under oath and due proof made to him by the parent, guardian or other persons having the custody and control of such minor; that by reason of incorrigible or vicious conduct such minor has rendered his control beyond the power of the parent, or guardian or such other person, and made it manifestly requisite that, from regard for the morals and future welfare of such boy and for the peace and order of society, he shall be placed in said school.

Second—By the same authority upon complaint under oath, and due proof before the justice that such minor is a vagrant, incorrigible or vicious in disposition and conduct, and that his parents,

guardian or other person having custody or authority to control him, are depraved or otherwise unfit, unwilling or unable to exercise care and discipline over such minor.

Third—By the several courts of this state, as provided in the next section.

Minors Convicted of Crime.

Sec. 242. Whenever any boy under the age of eighteen years, shall be convicted in any of the courts of this state of a felony or of a misdemeanor, punishable by imprisonment, the judge of said court in his discretion, and with reference to the character of the reform school as a place of reform and not of punishment, instead of sentencing said minor to be confined in the penitentiary or county jail, may order him to be removed to and confined in said reform school, to remain until he shall have arrived at the age of twenty-one years, unless sooner discharged or bound as an apprentice by the board of regents. Boys under eighteen years of age, convicted in any of the courts of the United States for the district of West Virginia, of any offence punishable by imprisonment, may also be received into said reform school under such regulations and on such terms as to maintenance and support as may be prescribed by the board of regents, and assented to by the proper authority of the United States.

And in all cases, before any minor is transferred to said reform school, due notice shall be given to the superintendent and an answer received from him that there is room in the reform school for such minors.

Names and Residences of Witnesses to be Annexed to Commitment.

Sec. 243. It shall be the duty of the justice of the peace when committing a minor to said reform school under the first and second clauses of section two hundred and forty-one of this chapter to annex to the commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the adjudication was found.

Guardian ad Litem—Trial by Jury—Appeal.

Sec. 244. In all proceedings before justices of the peace for commitment of minors to the said reform school under the first and sec-

ond clauses of section two hundred and forty-one of this chapter, the justice shall appoint some discreet and disinterested person guardian *ad litem* for the said minor, and see that no injustice is done him; and the guardian *ad litem* of said minor shall have the right to demand a jury of twelve men to try the truth of the charges made against said minor, and said jury shall be selected and said trial shall be conducted in the same manner as provided by law for the trial of criminal cases before a justice or juries. And said guardian *ad litem* of said minor shall have the right of appeal from any final decision rendered against said minor in any proceeding, whether upon a trial by jury or otherwise, as is provided by law for the trial of criminal cases before justices. And said guardian *ad litem* of said minor shall have the right of appeal from any final decision rendered against said minor in any proceeding, whether upon a trial by jury or otherwise, as is allowed by law in other criminal cases tried before justices.

White and Colored Inmates to be Kept Separate.

Sec. 245. The West Virginia Reform School shall be exclusively charged with the reformation and care of male minors, and white and colored inmates shall be kept separate.

Binding out Inmates as Apprentices.

Sec. 246. The board of regents shall have the power to bind out male children committed to their care, with the consent of such children, as apprentices during their minority, to suitable persons in or out of this state, to learn some proper trade and employment by which said children shall be bound, shall contain the covenants and provisions prescribed by chapter eighty-one of the code of West Virginia, relating to master and apprentices, and all the provisions of said chapter shall apply to apprentices bound under this section, so far as applicable.

Term of Confinement—Transfer of Inmates to or from Penitentiary —Remission of Penalty.

Sec. 247. Every boy sent to the reform school shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice by the board of regents; but no boy shall be retained after he has been reported by the superintendent and found by the

board or executive committee to be fully reformed: *provided* that in any case where a boy is committed to the reform school for an offence punishable by confinement in the penitentiary, and is found by the board of regents that the reform school is unable to benefit such boy, and that his presence is a detriment or menace to other boys in the institution or to the general good of the school, he may be securely returned to the court which sent him, and said court shall thereupon pass such sentence upon him as to confinement in the penitentiary as may be proper in the premises, or as it would have done had it not sentenced him to the reform school. And the governor shall have power, when in the judgment of the warden of the penitentiary and the superintendent of the reform school it is advisable, to remit the penalty of any youthful offender under the age of sixteen years, confined in the penitentiary, to a sentence to the reform school.

Offenses against Inmates—Penalty.

Sec. 248. If any person shall entice or attempt to entice away from the reform school any boy legally committed to the same, or shall aid or abet any boy to escape from said reform school, or shall harbor, conceal, or aid or abet in harboring or concealing, any boy who shall have escaped therefrom, or shall, without the permission of the superintendent, give, or aid or abet any other person to give any boy in said reform school whether on the premises of said institution or not, any money whatsoever, or shall in any way cause or influence, or attempt to cause or influence or aid or abet therein, any boy in said reform school to violate any rule of the institution, or to rebel against the government of said school in any particular, or shall receive by the hands of any such boy any thing of value, whether belonging to the state or otherwise, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars, or be confined not more than twelve months in the county jail, or both fined and imprisoned as aforesaid, as the court may deem proper.

And the superintendent or any of the assistants or any one authorized in writing by him, or any sheriff, constable, policeman or other officer, shall have authority, and it is hereby made his duty to arrest any boy, when in his power to do so, who shall have escaped from said school, and return him thereto.

Compensation of Justices, Jurors, etc., in Proceedings for Commitment.

Sec. 249. Justices, constables and jurors shall receive the same fees in a proceeding for committing a boy to the reform school as are allowed by law for similar services in misdemeanor cases, and such fee shall be paid in like manner as fees of such officers and persons are paid in misdemeanor cases. Any officer taking a boy to the reform school shall be allowed five cents a mile for each mile necessarily traveled in going to and returning from such school, and in addition thereto, the amount actually expended by him for the transportation of such boy, which shall be paid out of the county treasury.

Payment for Support of Inmates.

Sec. 250. The county court of every county shall pay into the state treasury the sum of fifty dollars a year on account of each minor from the county who shall be received in said school of the first, second and third classes mentioned in section two hundred and forty-one. But in all cases of minors received in said school of the first class metioned in said section, the parent, if of sufficient means, or the guardian if the minor has sufficient estate, shall annually reimburse the county the amount so paid into the state treasury, and the county court of such county may recover the said amount from such parent or guardian in any court of competent jurisdiction.

List of Inmates—Charging Maintenance of Inmates to Counties.

Sec. 251. The superintendent or principal of said school shall before the tenth of January in each year make out and certify to the auditor a list by counties of all such minors as are mentioned in the preceding section, who are kept in the school during the preceding year or any part of it, showing as to each minor what part of the year he was so kept in the school, and to which class he belonged. On receiving such list the auditor shall charge to each county fifty dollars on account of each minor who was kept in such school during the preceding year, and a proportionate amount on account of each minor kept in school for any part of such year less than the whole.

Any money in the treasury of the state to the credit of any such county from whatever source arising, and not appropriated to pay any

other debt of the county to the state, shall be applied, so far as necessary, to the payment of the same so charged; if any sum in the treasury due the county shall not be sufficient to pay the whole amount so charged against it, such sum shall be applied as a credit on the amount charged, and the balance shall remain as a charge against the county.

Statements.

Sec. 252. Within ten days after receiving such lists the auditor shall certify to the county court of each county a list of the minors from the county in such school, stating the class to which each belongs, the length of time during the year he was in such school as shown by the list certified by the principal or superintendent, and the amount due from the county on his account and the total amount due on account of all. He shall credit on such statement whatever amount has been applied as a payment thereon from any funds of the county in the treasury.

Such statement shall be a receipt to the county for any amount so credited, and shall be a bill for any amount still appearing to be due from the county. Unless the bill shall have been paid by the application of funds of the county in the state treasury, the county court shall at its next levy term provide for the payment of the same, or such part as may not have been paid, and cause the amount to be paid into the state treasury. If the amount so due from any county be not paid in a reasonable time after such levy term, the auditor may, in the name of the state, apply to the circuit court of the county for a *mandamus* to require the county court to provide for and pay the same, or he may proceed in the name of the state by any other appropriate remedy to recover the same.

INDUSTRIAL HOME FOR GIRLS.

Location.

Sec. 253. "The West Virginia Industrial Home" shall remain where now located.

Regents.

Sec. 254. For the government and control of the said "The West Virginia Industrial Home" there shall be a board of regents consist-

ing of six persons to be called the regents of the West Virginia Industrial Home. The regents now in office shall serve for the term for which they were appointed and their successors shall be appointed as follows: On or before March thirty-one, nineteen hundred and nine, the governor by and with the consent of the senate shall appoint two regents who shall serve for a term of four years and until their successors are appointed and qualified; and on or before March thirty-one, nineteen hundred and eleven, he shall appoint four regents who shall serve for a like term of four years and until their successors are appointed and qualified. No two of the regents appointed on this board shall be residents of the same senatorial district. The governor may fill any vacancy occurring during the recess of the senate and any regent thus appointed shall serve until the next meeting of the senate.

The members of the said board of regents shall constitute a corparation under the name of "The Regents of the West Virginia Industrial Home", and as such may sue and be sued, contract and be contracted with, and shall have a common seal. They shall have authority to receive, hold and convey any gift, grant or devise, and the title to any property now held or hereafter acquired for said industrial home shall be vested in them.

Quorum.

Sec. 255. The board of regents shall biennially choose one of their number president of the board, and in his absence shall choose a president *pro tempore*. A majority of the board shall constitute a quorum, but the board may, in its discretion, designate business of a nature by it to be specified, which may be transacted by a stated number of the directors less than a quorum.

Rules and Regulations.

Sec. 256. The board of regents shall make such by-laws, ordinances, rules and regulations, relative to the management, government, instruction, discipline, training, employment and disposition of the girls of the home, not contrary to law, that they may deem proper; and shall appoint such officers, agents and servants as they may deem necessary to transact the business and carry on the operation of said home, and designate their duties and fix their compensation; but all the officers, agents and servants for the internal manage-

ment shall be women. The board shall adopt rules governing the transportation of minors to and from said home.

Report.

Sec. 257. The board of regents shall make an annual report to the governor of all their transactions, of the number of minors received by them in said home, the disposition which shall be made of such minors, by instructing or employing them therein, or by binding them out as apprentices; of the receipts and expenditures of the board, and generally all such facts and particulars as may tend to exhibit the effect, whether beneficial or otherwise, of said home.

Commitment Papers.

Sec. 258. Girls eligible to be received into said home are those who are from seven to eighteen years of age, and who may be committed by any justice of the peace of this state, on complaint and due proof made to him by the parent, guardian or next friend of such girl, that by reason of incorrigible or vicious conduct, such girl has rendered her control beyond the power of such parent, guardian or next friend, and made it manifestly best that such girl should be placed in said home; or by any criminal, circuit or intermediate court of this state. Girls may be so committed for vagrancy up to eighteen years of age, or where parents, guardians, or next friends agree and contract with the board of regents for their support and maintenance, or girls up to fifteen years of age, who may be found in houses of ill fame or assignation houses, upon conviction thereof before any justice of the peace, mayor of a town or city; or girls convicted by any of the courts of this state of felony or misdemeanor, punishable by imprisonment, the judge in his discretion, instead of confining such girl in the county jail or sending her to the penitentiary, may transfer such girl so convicted to said home, from any county of this state: *provided,* there is room there for such girl. Every girl committed to said home shall remain there until she is twenty-one years of age, unless sooner discharged by the board of regents.

Commitment.

Sec. 259. It shall be the duty of the justice of the peace, mayor or other authority, when committing any girl to said home, in addi-

tion to the commitment, to annex the name and residence of the witnesses examined, and the substance of the testimony given on which the adjudication was founded, as well as the name and residence of the girl, the name of her parents, and their residence, if known. Any girl who may be found incorrigible, or pregnant, or otherwise an improper subject for admission to said institution, may be returned by the board of regents to the court, justice or other authority by whom she was committed, and thereupon such court, justice or other authority, shall have power to pass sentence as would have been legal in the first instance, as if such girl had not been sent to said home.

Guardian ad Litem.

Sec. 260. In all cases coming before a justice, mayor or other authority, they shall appoint a guardian *ad litem* for such girl, who shall be some disinterested person, discreet and careful, and who shall see that no injustice is done the girl; and he shall have the right to demand a trial for his ward by a jury of twelve men to ascertain the truth of the charges against the girl, and said jury shall be selected, and trial conducted, as other trials are conducted by justices in criminal cases before them. Or, said justice or court may, without a jury, try such girl, if no jury is demanded by her guardian or next friend.

White and Colored Inmates.

Sec. 261. The said industrial home shall be exclusively charged with the reformation and care of girls, but white and colored shall be held separate as far as practicable.

Apprentices.

Sec. 262. The board of regents shall have power to bind out such girls as committed to their care as apprentices to the time said girls shall arrive at twenty-one years of age, to learn some proper trade, business or calling, on such terms as will be advantageous to such girls; but such girls so bound out, are to be bound only to those whose characters are above reproach, and within the state. The indentures by which any girl may be so bound shall state for what period she is bound, her age, what trade, art or business she is to fol-

low, and that the master shall see that for at least five months in each year said apprentice shall be sent to the free schools of the state, and shall be bound to furnish school books requisite to learn the usual branches taught; the amount to be paid said child for each year, if anything above the maintenance of said child, and for what year or years, and the master shall bind himself with good security to pay the amount agreed upon; which sum of money, if any, contracted to be paid, shall be reserved, to be paid said girl or girls so bound, when their apprenticeship shall cease, with interest, and said board shall not bind out any girl under the provisions of this act, unless the master bind himself to comply with the condition thereof, and whatever salary said master shall give, shall be paid to the board of regents; and it shall be the duty of said board to collect the same according to the tenor or effect of such contract, and turn the same over to the girl when she arrives at twenty-one years of age, or sooner if she marries, when the same shall be turned over to her.

Cruelty to Apprentices.

Sec. 263. For cruelty or inhuman treatment by such master of such apprentice, the circuit court of the county in which such master or apprentice may reside, or any justice of the peace of any such county shall have jurisdiction to try same, and upon conviction of such master for cruel or inhuman treatment of such child, such master shall be fined not less than ten nor more than one hundred dollars, and may in addition thereto be confined in jail not to exceed ninety days.

Misdemeanor.

Sec. 264. No master can remove such child out of the county where she has been bound by such board, except on the written permit of such board; and any person who shall aid or assist any girl who has been committed to said institution, or who is subject thereof, to escape from any other home or other place where she has been placed by the officers of the said institution, or who shall aid or assist any such girl to leave this state, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, and any justice of the county wherein such offence is committed shall have jurisdiction thereof.

Desertion.

Sec. 265. The circuit court of the county shall in a summary way be open to hear any complaint of such master against his apprentice or to said apprentice against the master, and shall make such order in relation thereto as it shall deem fair and right. Any apprentice who shall desert the service of such master shall receive no pay, (if the pay exceed the maintenance), while such desertion continues, and anyone who shall knowingly harbor such apprentice shall be liable to said master three dollars for every day such harboring or concealing such apprentice exists, to be recovered before any court having jurisdiction.

CONFLICTING ACTS REPEALED.

Sec. 266. All acts and parts of acts inconsistent with the provisions of this chapter are hereby repealed.

APPENDIX A.

School Book Board—Adoption of Text-Books.

The following provisions relating to the adoption of text-books are still in force in accordance with section 165 of the revised school law.

I. There is hereby established in every county in this State a school book board, to be composed of the county superintendent of the county, who shall be a member and the secretary of the board and eight other reputable citizens and taxpayers of the county. At least four of the eight shall be freeholders and not school teachers, and at least three shall be persons actively engaged as teachers in the schools of the county, and shall hold a teacher's number one certificate or its equivalent. Not more than five of said eight shall belong to the same political party. The said eight persons shall be appointed by the county court. The term of office of each of said members shall be four years and until their successors are appointed, beginning on the first day of July next after their appointment. Said appointment shall be made on or before the fifteenth day of June, one thousand eight hundred and ninety-seven, and in every fourth year thereafter on or before the fifteenth day of July, and the term of office of those appointed after the first appointment (except appointments to fill vacancies) shall begin on the first day of August next after their appointment, and continue four years and until their successors are appointed. They shall receive as compensation for their services the sum of two dollars per day for each day they shall be in session as a board, and shall not receive pay for more than two days in any one year, which compensation shall be paid out of the county treasury. Vacancies in said board shall be filled for the unexpired term in the same manner as the original appointment was made. Five members shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum appears.

School book board.

How appointed; term of office.

When appointed.

Compensation.

Vacancies.

Quorum.

Every person so appointed shall, before entering upon his duties, take an oath that he will support the Constitution of the United States and the Constitution of West Virginia, and that he will faithfully discharge the duties of his office. A certificate of every such oath shall be filed with and preserved by the clerk of the county court.

Secretary. II. The secretary shall keep a record, in a book provided for that purpose, of the transactions of every meeting of the board, and shall record the names of the members voting for and against every proposition to adopt any text-book; which record shall be open to the inspection of any citizen of the county.

III. Immediately after the appointment of said board, in the year one thousand eight hundred and ninety-seven, it shall be the duty of the county superintendent to communicate with the publishers of text books, inviting the submission by such publishers of samples and prices of their books. When such samples and prices have been obtained, it shall be the duty of said board to meet at the First meeting. county seat on or before the first Monday of August, one thousand eight hundred and ninety-seven, on the call of the county superintendent, and organize by choosing one of their number president. Said board shall then proceed to select and adopt one text book, or a series of text-books, on each subject required to be taught in the free schools of the State, and not provided for by contract under chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, for a term of five years, due reference being had to the character of the books and the terms offered. It shall require the affirmative votes of five members of the board to adopt such book, or series of books, at said first meeting.

Retail price, &c. IV. In making selection of text-books, at any time, it shall be the duty of said board to procure the best possible terms for exchange and introduction and for the regular supply of the books for a term of five years, and they are hereby empowered to fix the retail price at which such adopted books shall be sold after the exchange and introduction have been effected, but such permanent retail price shall not exceed twenty-five per cent. advance on the net contract price.

Secretary to report.

V. Said board shall, upon making an adoption of any text-books, decide upon the date when such adoption shall go into effect. The secretary shall send to the State Superintendent of Free Schools, and to all the boards of education in the county, notice of the names of the books adopted, the prices fixed therefor, and the date fixed for their introduction and use in the schools of the county.

Meeting before expiration of contract.

VI. At least six months before the expiration of the contract made under provisions of chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, it shall be the duty of the State Superintendent to notify the county superintendent of every county of the date of the expiration of such contracts and the name of the text-books thereby affected; and it shall be the duty of said board to meet upon the call of the county superintendent at least three months before the expiration of any such contract, and adopt one text-book, or a series of text-books, on each subject contracted for under said chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, for a term of five years. On the call of the county superintendent, the board shall meet in regular session at least three months before the expiration of any contract made under the provisions of this act, and select the necessary books to be used for the succeeding term of five years. If any publishers shall fail or refuse to furnish any book contracted for under the provisions of this act, it shall be the duty of said board, on the call of the county superintendent, to meet and select books to be used instead of those which said publishers have failed or refused to furnish. But no books shall thereafter be adopted of a publisher who shall have failed or refused to fulfill his contract with any board in the State, and the name of any such publisher shall be furnished by the secretary of said board to the State Superintendent of Free Schools, and the State Superintendent shall communicate the same to every county superintendent.

County Superintendent to call meeting.

Refusal of publishers to carry out contract.

Present contract to remain in force.

VII. No text-book or series of text-books, on any one subject now contracted for under said chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, or that shall be contracted for under the provisions of this

act, shall be changed for another or different book or series of books except by the affirmative votes of five members of the board: *Provided,* That no change in the text-books contracted for under the provisions of said chapter thirty-seven of the acts of one thousand eight hundred and ninety-five shall be made until the expiration of such contracts, unless for failure of the contractor. And not more than one book or one series of books on one subject, shall be changed in any one year, except by the affirmative votes of six members, and except as provided in section three: *Provided.* That in case of failure of a publisher to comply with his contract, the board may, by the affirmative vote of five members, adopt other books in place of those contracted for.

Not more than one book changed, except.

Who may sell books.

VIII. After the adoption of any text-books the board shall contract with the publishers proposing the same, to supply said books in sufficient quantities, for a term of five years, beginning on a date to be stated in the contract, to every board of education, depositary, agent of said school book board or of said board of education, or to any dealer or other person of the county, at the prices named in this contract, and free on board the cars at the place of publication or other place (which place shall be named in such contract); and that said books shall be equal in binding, typography, and in all other respects to the samples furnished; and that no changes shall be made in said books during the life of the contract. In such contract shall be stated the accurate title of every book therein contracted for, the name of the author and of the publisher thereof, and the agreed price or prices thereof. Forms of such contract shall be prepared by the State Superintendent of Free Schools and furnished to each county superintendent. Every dealer or publisher entering into such contract, shall furnish to the county superintendent a sample copy of each book contracted for, and the county superintendent shall attach to each of said books a label bearing thereon: "Sample copy contracted for with ..... on the ..... day of ..... 190..

....., County Superintendent."

Form of contract.

Bond of publisher.

IX. Every publisher entering into contract with any board under the provisions of this act, shall, within thirty

days thereafter, give a bond, in the penalty of ten thousand dollars, to be approved by the Governor and deposited with the State Superintendent of Free Schools, conditioned for the faithful performance of every such contract made by such publisher theretofore or thereafter with any such board.

No school officer to act as agent.

X. No member of said board shall serve, directly or indirectly, as the agent for any publisher in school books competing for adoption under the provisions of this act, or be personally interested in any school book, and no teacher nor school officer shall act as agent for any school book.

Depositaries.

XI. At the first meeting after the thirtieth day of June, one thousand eight hundred and ninety-seven, the board of education of any district in this State may (at their option) appoint one or more depositaries in each district, and when practicable one or more depositaries at or near each postoffice, who shall keep at all times a sufficient supply of text-books to supply the free schools of the neighborhood. Each depositary shall execute a bond in the penalty of double the value of the books which he will probably have on hand at any time, but in no event of a less penalty than one hundred dollars; which bond shall be approved by the board of education and filed with the secretary thereof. The board of education may discharge any depositary at any time, and require him to deliver the books in his possession to such person as the board may name, and require the depositary to settle his accounts and pay over to the sheriff any balance in his hands on or before a date named by the board.

Bond of Depositary.

Depositary to keep books.

XII. Each depositary shall, on or before the first day of September in each year, unless the board of education shall name an earlier date, make out a list of the text-books, in sufficient quantity in his judgment to supply the schools in his neighborhood for a period of six months, and from time to time thereafter each depositary shall make out additional lists of such books, so that he may at all times have a sufficient supply on hand; such lists, when approved by the board of education, or the president thereof, shall be signed by him and the secretary thereof,

and by the secretary forwarded to the address of the publishers of the books therein named.

Invoices of books.

XIII. It shall be the duty of said publishers promptly to forward the books therein named to such depositary, and to make out two invoices or bills therefor, one of which shall be forwarded to the depositary and the other to the secretary of the board of education. The board of education shall supply the secretary with a proper book in which to keep the accounts of all the depositaries in the district. On the receipt of each invoice the secretary shall charge the amount thereof against the depositary receiving the books therein named, in said account book, and file or preserve the invoice or bill. If there be any error in such invoice or bill, the depositary receiving the same shall promptly notify the publisher making the same; and if such publisher fail to correct such error within twenty days thereafter, such depositary shall notify the secretary of the board of education thereof, and the board of education shall investigate the same and take such action therein as may be proper and just. Each depositary shall pay to the sheriff of the county, at the end of each thirty days, or oftener if required, and whenever required by the board of education, the amount received by him from the sale of such text-books since his last previous payment, less his commission (to be fixed by the board of education and not to exceed fifteen per cent. on the amount of sales), and the amount paid by him for transportation charges on such books; *provided,* That each statement of charges to the sheriff shall be accompanied by all the transportation bills paid by said depositary. The sheriff shall duplicate receipts therefor to such depositary, wherein shall be stated the total amount of such sales and the amount paid by such depositary to the sheriff, one of which receipts shall be filed by such depositary with the secretary of the board of education, and upon receiving the same said secretary shall credit the account of said depositary with the amount appearing thereby to have been so paid by him to the sheriff and the amount paid for transportation charges, and the amount of said commission by separate items, and said secretary shall charge against the account

Payment to the sheriff.

Depositary's commission.

of the sheriff, which he is hereby required to keep, the amount paid by such depositary to such sheriff, to be accountd for by the sheriff in his annual settlement with the board of education. The amounts received from the sales of such books shall be credited to the building fund of the district.

Board of education liable.

XIV. The board of education of each district shall be liable in its corporate capacity for the whole amount of all such text-books furnished to the depositaries in the manner hereinbefore prescribed, and shall within sixty days from the date of any invoice or bill of text-books supplied by the publishers thereof to any depositary in the district in the manner prescribed in the preceding section, cause an order to be issued in favor of such publisher, payable out of the building fund of the district, and cause such order to be forwarded by mail to such publishers. On presentation of such order to him the sheriff shall pay the amount thereof to the party entitled to receive the same, if there be in his hands sufficient funds due the building fund of said district; but if the sheriff have not sufficient of such funds to pay the same, he shall endorse on the back thereof the words "Presented for payment," with the date of such presentation and said order shall draw interest from that date.

If the Sheriff shall fail or refuse to pay such order when he has funds in his hands, or should by law have the same, with which to do so, he shall be liable as provided in section forty-six of chapter forty-five of the Code.

Books paid for out of building fund.

XV. The board of education shall pay the cost of such books and the amount of charges for transportation out of the building fund of the district, and shall lay an annual levy for the same upon the taxable property of the district in the manner and at the time that other levies are laid for said fund, and if at any time any scholar or scholars should remove from the county into another county in which a different book, or series of books, or different books have been adopted, the board of education of any district are authorized to purchase from such scholar or scholars with money from the building fund and at a fair valuation, such book or books or series of books as may not be adopted in the county to

which they may remove: *Provided,* That the provisions of this section shall not apply to districts in which no depositary shall be appointed.

Board may remove depositary.

XVI. The board of education may remove any depositary in his district at any time, and appoint another in his stead; may require him to execute a new bond, or additional bond, whenever in their opinion they shall deem it necessary, and may cause to be made at any time an invoice of the text-books in the possession of any such depositary. It shall be the duty of every depositary whenever the board of education shall order, to turn over to his successor or such other person as the said board may name, all text-books in his possession.

Books in exchange.

XVII. Every depositary shall receive from any resident of his district copies of the books that may at any time be superseded by adoption of other books in their stead, at the contracted exchange allowance of such superseded books, to be applied on payment of adopted books. Each depositary shall turn over such superseded books to the board of education at such times as the board may direct, and shall receive credit on his account for the value thereof. Such superseded books shall be held by the board of education subject to the orders of the publishers thereof, for a period of not longer than three months.

Teacher liable.

XVIII. If any teacher in a primary or graded school of the free school system of this State use, or cause to be used in such primary or graded school, any text-books not authorized in place of an authorized book, then the county superintendent shall apply to the board of education for an order signed by said board, directed to such teacher requiring the use of such unauthorized text-book to be discontinued; and if any teacher shall disobey any such order issued by said board of education, such teacher shall forfeit the sum of ten dollars for each such offense, and it shall be the duty of the board of education of the district where said teacher is employed to retain that amount out of the salary of said teacher, which amount so forfeited shall be paid into the teachers' fund of such district.

Misdemeanor.

XIX. Any publisher, school officer, depositary, dealer, teacher or other person, violating the provisions of this

act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined for each offense not less than five nor more than fifty dollars.

Acts repealed.

XX. Nothing contained in this act shall be construed as changing or modifying the contracts heretofore made with publishers of text-books under authority of chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five; and all acts, or parts of acts, coming within the purview of this act and inconsistent therewith, are hereby repealed.

APPENDIX B.

FORMS AND INSTRUCTIONS.

ORDER OF PROCEEDINGS AT THE FIRST, SECOND AND THIRD ANNUAL MEETINGS OF THE BOARD.

FIRST MEETING—FIRST MONDAY IN JULY.

[See Sections 11, 35 and 45.]

1. Appoint a secretary.
2. Appoint trustees for each sub-district.
3. Determine the number of months the schools shall be taught in the district during the school year.
4. Determine the number of teachers that may be employed in the sub-districts, allowing at least one for each school house.
5. Fix the salaries of teachers according to the grade of certificate.
6. Estimate the number of teachers of each grade that will be employed.
7. Ascertain the whole number of months to be taught in the district by teachers of each grade.
8. May establish graded and high schools, change boundaries of their sub-districts and provide for the erection of new buildings.

SECOND MEETING—SECOND TUESDAY IN AUGUST.

[See Section 21.]

At this meeting the Board shall ascertain the condition of the fiscal affairs of the district and make up an itemized statement thereof setting forth:

1. The separate amounts due the building fund and the teachers' fund from all sources or to become due these funds within the current fiscal year.
2. All debts and demands upon both funds owed by the district or to become due and payable within the current year.
3. All other expenditures to be made and payable out of each fund within the current fiscal year.
4. The separate amounts necessary to be raised for each fund and the proposed rates of levy.
5. The aggregate value of all taxable property in the district,

stating separately the assessed value of real estate, personal property and property assessed by the Board of Public Works.

A copy of the above statement shall be prepared and certified for publication as required by Section 21. The Board shall then stand adjourned until the fourth Tuesday in August.

THIRD MEETING—FOURTH TUESDAY IN AUGUST.

[See Section 21.]

The Board shall at this meeting transact the following business:

1. Hear and consider any objections made as provided for in Section 21, to their estimate and proposed levy.
2. Enter an order of record showing the objections made and the reasons for the same.
3. Reconsider the original estimate and proposed rate of levy and correct the same if the objections appear to be well taken.
4. Enter of record the corrections made.
5. Lay the levy.

The following calculations will be convenient for reference in making levies for school purposes:

Number of teachers to be employed in the district	20
Number of months to be taught during the year	6
Amount of money to pay all teachers (estimated)	$4,380

This estimate is made as follows:

10 No. 1 grade teachers at $40 per mo.	400
6 No. 2 grade teachers at $35 per mo.	210
4 No. 3 grade teachers at $30 per mo.	120
Monthly pay	$ 730
Number of months	6
Total for term	$4,380
Deduct amount on hand including amount of general school fund	1,880
	$2,500

To ascertain the number of cents to be levied on every one hundred dollars' valuation of property in the district to raise $2,500 by

taxation, suppose the whole valuation in the district to be $600,000.

RULE—Drop the cents, if any, and add four ciphers to the amount in dollars to be raised by the levy, and divide by the amount in dollars taxable property.

Example: 600,000)25,000,000(41 2-3 cents.
24,000,000
1,000,000
600,000
400,000
= 2-3
600,000

Similar calculations should be made in relation to the Building Fund.

FORM NO. I.

FORM OF ORDERS TO BE ENTERED OF RECORD BY THE BOARD OF EDUCATION.

OFFICE OF THE BOARD OF EDUCATION.....)
DISTRICT, IN THE COUNTY OF.....)
WEST VIRGINIA.

At a meeting of the Board of Education held on the .... day of ....., 19.., there were present, ... president, and ..... and ....., members of the board.

On motion of ....., it is ordered that ..... be, and he is hereby appointed Secretary of this Board.

On motion it is ordered that the following named persons be appointed trustees in the following named sub-districts, for a term of three years, and until their successors are appointed and qualified:

Trustee for Sub-District No. 1.

.....

Trustee for Sub-District No. 2.

.....

On motion of ....., it is ordered that the salaries of teachers per month, for the school year, shall be as follows, according to the grade of their certificate: For grade No. 1, $....; for grade No. 2, $....; for grade No. 3 $....

It is found by the board that in addition to the available funds now on hand, $.... will be necessary for the payment of teachers' salaries for the current year, and on motion of....., it is ordered that a tax of .... cents on the one hundred dollars' valuation of the real estate and personal property of the district be levied for that purpose.

(A similar order should be entered in relation to the levy for Building Fund.)

On motion of ....., it is ordered that the president and secretary of this board be authorized to sign, in vacation, all proper orders for the payment of money out of the teachers' fund or the building fund, for the salaries of teachers employed and claims allowed by the board, and that they report the orders drawn on each fund, at the next meeting of this board.

The secretary of this board made a report this day for the several orders drawn by him and the president, on the teachers' fund and the building fund, respectively, since the last meeting of the board, as follows: An order on the teachers' fund, in favor of ....., a teacher, for $....; an order in favor of ....., a teacher, for $....; also an order on the building fund, in favor of ....., for work done on ..... school house, for $....; and an order, in favor of ..... for furnishing wood for ..... school house, for $.....

On motion of ....., it is ordered that when in the opinion of the president or of the two commissioners it is deemed necessary, the president or secretary may call a special meeting of this board.

On motion the board does now adjourn.

....

Secretary. *President.*

FORM NO. II.

ORDER OF APPOINTMENT TO FILL A VACANCY IN THE BOARD OF TRUSTEES.

[To be entered in records of the board.]

There being a vacancy in the board of trustees in sub-district No.

....., in the district of ....., on motion of ....., it is ordered that ..... be, and he is hereby appointed to fill said vacancy for the unexpired term, and till his successor shall be appointed and qualified.

NOTE—This order of appointment should be entered in the record book of the Board of education at a regular meeting and a copy of it signed by the secretary of the board served upon the appointee.

FORM NO. III.

APPOINTMENT OF A MEMBER OF THE BOARD OF EDUCATION TO FILL A VACANCY.

OFFICE OF COUNTY SUPERINTENDENT,)

OF THE COUNTY OF .....)

....., West Virginia, ..., 19....

It having been made known to me that there is a vacancy in the board of education in ..... district in my said county, I ....., county superintendent of said county, in pursuance of the authority vested in me by law, hereby appoint ..... to fill the vacancy in said board for the unexpired term.

....., *County Superintendent.*

FORM NO. IV.

OATH OF OFFICE.

State of West Virginia, County of ....., to-wit:

I, ... do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of my office of ..... to the best of my skill and judgment. So help me God.

A—— B——.

Sworn to and subscribed before me, ... a justice of the peace, this .... day of ....., 19..

C—— D——, *J. P.*

FORM NO. V.

FORM TO BE USED IN THE SETTLEMENT BY THE SHERIFF WITH THE SEVERAL BOARDS OF EDUCATION, ON OR BEFORE THE 30TH DAY OF JUNE IN EACH YEAR.

....., Sheriff of ..... county, in account with the Teachers' Fund of ..... district for the year ending June 30, 19..

	$	Cts.
To balance due District on settlement for year ending June 30, 19.....		
To amount due from State School Fund for the year ending June 30, 19..		
To amount levied on a valuation of $.. for the year ending June 30, 19.. at....cents on each hundred dollars valuation.....		
To amount received from other sources for the year ending June 30, 19 [Itemize each sum received from "other sources," giving date, amount and from whom received.]		
Total debits		

	$	Cts.
By balance due sheriff on settlement for the year ending June 30, 19....		
By sundry school orders paid to date ..... [The *No., date* and *name of person* to whom each order was drawn, with the *actual amount paid* thereon by the officer presenting it, should be given in detail.]		
By commission at 5 per cent. on net district levies.....		
By 2 per cent. commission on railroad levy		
By exonerations—(Name each person exonerated, the name and for what year the exoneration is made)		
By delinquent list for the year ending June 30, 19.....		
Total credits		
Balance due district, (or sheriff, as the case may be).....		

FORM NO. VI.

CALL FOR SPECIAL MEETING.

OFFICE OF .....)
..... DISTRICT,)
..... COUNTY, W. VA.)
....., 19..

It appearing to ..... that a special meeting of the board of education of said district is necessary to transact business relating to ..... and other matters, a meeting is hereby called at ..... at ..... o'clock .... M., ..., 19.. You are requested to be present.

....., *Secretary.*

To .....

FORM NO. VII.

FOR TRANSFER.

..... DISTRICT,)
..... COUNTY, W. VA.)
SUB-DISTRICT, NO.)

It appearing to the undersigned, trustees of ..... sub-district that ....., children of ..... of ..... sub-district are so situated as to be better accommodated in sub-district No. ...., ... district, ... County, W. Va., this is to certify that said trustees have this day, as required by law, transferred them to that district. This transfer is to commence on the .... day of ....., 19.., and continue in force..... months.

To the Trustees of Sub-) .....)
Dist. No... of .. Dist.,) .....) *Trustees.*
..... County, W. Va.) .....)

On the reverse of the transfer (Form VII) the following endorsement may be made:

Transfer of .... scholars from sub-district No. .... District, ... County, to sub-district No. ...., ... District, ...County, W. Va.

We, the trustees of the last named sub-district, this day ..... *accept the within transfer in accordance with sec. 66 school law, ..., 190....

.....)
.....) *Trustees.*
.....)

*Or refuse to accept.

NOTE—Trustees accepting transfers from other districts should transmit them to their board of education, there to be kept on file for the information of the board in making settlements for the amount due for the transferred pupils.

Trustees making transfers should furnish their board with information of all transfers made by them, to enable the board to provide for the payment of the pro-rata expenses of the transferred pupils. The following form may be used by the trustees:

To the President of the Board of Education of ..... District:

This is to certify that the undersigned, trustees of sub-district No. .., ... District have transferred as required by law.....

pupils, the children of ....., from this sub-district to No. ...., ... District, ... County, to begin on the .... day of ....., 19.., and continue .... months.

.....)
.....) *Trustees.*
.....)

FORM NO. VIII.

CONTRACT BETWEEN TRUSTEES AND TEACHER.

This Contract Witnesseth, That ....., ..., and ....., trustees of sub-district No. ..... in the district of ....., and county of ....., West Virginia, of the first part, having met together as required by section 56 of the School Law, and ....., a teacher holding a No. ..... teacher's certificate, of the second part, have this day agreed that said ..... shall teach the free school in said sub-district, for the term of ..... months, commencing on the .... day of ....., 19.., for the sum of ..... dollars per month, and that for said services, properly rendered, the trustees aforesaid will pay, as prescribed by law, the amount of salary due said ..... according to the terms of this contract, provided said teacher complies with the law relative to institute attendance and the following conditions of this contract:

It is further agreed that if the relationship exists between the parties to this contract prohibited by Section 58 of the School Law, that this contract shall be void and the second party shall not be entitled to receive from the Board of Education any compensation for the teaching of the school, or any part thereof, under this contract.

The second party represents that he is not at this time under an agreement to teach any other school which will interfere with the teaching of this school under this agreement, and agrees that he will not hereafter make an agreement to teach another school which will interfere with his teaching the term of school provided for in this contract.

And he agrees to forfeit to the first party an amount equal to one month's salary under this contract, in the event he without legal excuse fails or refuses to complete the term of school by this contract agreed to be taught; which amount, if already paid to the second

party by the Board of Education of said district at the time the second party quits said school before the expiration of the term, may be recovered by and in the name of the Board of Education in any proper action therefor.

It is further agreed that, if for any legitimate cause the school is not begun on the date mentioned, or if for any cause it is by the first party discontinued or suspended, neither party shall have recourse on the other for damages.

Witness our hands, this .... day of ..... 19..

.....)
.....) *Trustees.*
.....)
..... *Teacher.*

*I represent myself to be worth more than Four Hundred Dollars over and above my debts and liabilities; and I hereby agree to pay to the Board of Education of ..... District an amount equal to one month's salary of the teacher of the above contract, if the above named teacher, without legal excuse therefor, fails or refuses to teach the full term of school provided for in the above contract.

.....

Date .....

FORM NO. IX.

SECRETARY'S NOTICE TO COUNTY SUPERINTENDENT, ASSESSOR AND COUNTY CLERK, OF RATE OF LEVIES.

OFFICE OF SECRETARY BOARD OF EDUCATION.

....., 19.. *To ..... of ..... county,

At a meeting of the board of education of ..... district of said county, held on the .... day of ....., 19.., it was ordered that levies for the support of the free schools of the district for the year beginning the first day of July, 19.., be made for the respective funds at the following rates:

For Teachers' Fund, ... cents on the $100 valuation.

*Where the party of the second part is a minor or unknown to the Trustees the above bond may be required.

*Write Assessor, Clerk of County Court or County Superintendent as the case may be. Each must be notified promptly.

For Building Fund, ... cents on the $100 valuation.

Respectfully.

....., *Secretary.*

FORM X.

COUNTY SUPERINTENDENT'S CERTIFICATE TO SECRETARIES OF THE AMOUNT OF RAILROAD TAX.

Office County Superintendent Free Schools.

To the Sec'y Board of Education of ..... District, ... County, West Virginia.

You are hereby notified that the amount due your district for school purposes and chargeable to the Sheriff on the respective accounts of Teachers' and Building Funds in *proportion to the rate of levy* for each, for the school year ending June 30. 19.., from the ..... Railroad Company is ..... Dollars.

Given under my hand this .... day of ....., 19....

.....

Dated ....., 19.... County Sup't ..... County.

When the County Superintendent is notified by the Auditor of the amount paid into the treasury by the Railroad Company to the credit of any district for school purposes; or, is notified of the amount of Railroad tax certified by the Auditor to the Sheriff of the County for collection for school purposes, he should, without delay, notify (on this blank) the Secretaries of the respective Boards of Education of the amount due them from the different Railroad companies that have property in their respective districts. The secretaries of the Boards, when they are notified as above directed, should divide the amounts so reported, between the Teachers 'and Building Funds in *proportion to the rate of levy* made for each. The amounts should then be *charged* up to the Sheriff on account of the respective Funds.

FORM NO. XI.

COUNTY SUPERINTENDENT'S CERTIFICATE TO THE AUDITOR OF DISTRIBUTION OF STATE FUND FOR HIS COUNTY.

Office County Superintendent Free Schools,)

....., ..., County, W. Va., ..., 19....)

To the Auditor of the State of West Virginia.

SIR:—The following shows the apportionment made by me, to the several school districts of the county of ....., for the school year commencing July 1st, 19..

Whole amount certified by State Superintendent, ... $.....

Amount deducted for salary of County Superintendent, ...

Whole amount distributed to the several school districts, ...

Amount distributed to each school district respectively:

DISTRICTS.	Payment of Sept. 15th.	Paym't of Dec. 15th.	Total.
..... *District,*	$.....	$.....	$.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
Total.....	$.....	.....	.....
INDEPENDENT DISTRICTS.			
..... *District,*	$.....	$.....	$.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
..... "	.....	.....	.....
Total.....	$.....	.....	.....

....., County Superintendent

of ..... County.

Section 42 of the school Law requires county superintendents to apportion the State Fund among the several districts of their respective counties and to report the same on this form to the Auditor.

FORM NO. XII.

COUNTY SUPERINTENDENT'S CERTIFICATE TO SECRETARIES OF THE AMOUNT OF STATE FUND.

Office of County Superintendent Free Schools.
..... County, West Virginia.
..... 19..

To the Secretary of the Board of Education of ..... District.

I hereby certify that the amount of State School Fund apportioned to your district for the school year beginning on the 1st day of July, 19.., is .... dollars.

Enumeration for 19.., (corrected) .....

County Superintendent.

The amount will be paid to the sheriff of the county in two equal installments, on September 15th, and on December 15th, next; provided your board levy for a sum, which, together with the balance on hand, funds from other sources, and this State fund, will be sufficient to pay for having the schools of your district taught for at least six months of the year. You will charge the sheriff with the above amount on account of the teachers' fund.

As soon as the county superintendent receives notice from the State Superintendent of the amount apportioned to his county, he should apportion the amount among the respective districts and independent districts, according to the number of youths between 6 and 21 in each, ascertained by the last enumeration, and should thereupon notify the respective secretaries on this blank (Form 18) without delay.

FORM NO. XIII.

ASSESSOR'S NOTICE TO SECRETARIES OF VALUATION OF PERSONAL PROPERTY.

Office of Assessor.
of ..... County,
West Virginia.

To the Secretary of the Board of Education of ..... District:

The assessed valuation of the personal property in your district on the first day of January, 19.., aggregates $.....

Given under my hand the ..... day of ....., 19...

..... Assessor.

P. O. Address, ...

.....

A copy of this notice should be sent to the secretary of each district at the very earliest moment possible, as he must have it on the second Tuesday in August, at the second annual meeting of the board of education.

The assessor shall make out and deliver to the secretary of the board of education of each district and independent district in his county on or before the second Tuesday in August in each year, a certificate showing the aggregate value of all personal property and real estate in such district or independent district, and to the county superintendent of free schools a certificate of the aggregate value of such property in the county, which certificates shall serve as the basis for the school levies for the ensuing year. (Sec. 48 of the School Law.)

Any assessor, clerk of the county court, secretary of a board of education, or county superintendent who fails to perform the duties required of him in sections forty-eight and forty-nine of this chapter, shall be guilty of a misdemeanor and shall upon conviction thereof be fined twenty dollars. (Sec. 50 of the School Law.)

FORM NO. XIV.

COUNTY CLERK'S NOTICE TO SECRETARIES OF ASSESSED VALUATION OF REAL ESTATE.

OFFICE CLERK COUNTY COURT

..... County,

West Virginia.

To the Secretary Board of Education of ..... District:

The assessed valuation of the real estate in your district on the first day of January, 19.., aggregates $.....

Given under my hand the ..... day of ....., 19..

.....

Clerk of County Court.

A copy of this notice should be sent to the secretary of each dis-

trict at the very earliest moment possible, as he must have it at the annual meeting of the board of education on the second Tuesday in August. (See Sec. 48 of the School law.)

FORM XV.

COUNTY CLERK'S NOTICE TO SECRETARIES OF DELINQUENT LISTS.

Office Clerk County Court
..... County.
West Virginia.

To the Secretary Board of Education ..... District:

The sheriff of ..... county is entitled to credits for the delinquent list (including property erroneously and improperly charged) for the year ending June 30, 19..:

On Real Estate for Teachers' Fund, ... $.....
On Personal Property for Teachers' Fund ..... $.....
Total for Teachers' Fund, ... $.....
On Real Estate for Building Fund, ... $.....
On Personal Property for Building Fund, ... $.....
Total for Building Fund, ... $.....

You will charge the sheriff with the following amounts, certified by the Auditor as paid to the sheriff on account of redemption of delinquent lands paid into the treasury before sale:

For Teacher's Fund, ... $.....
For Building Fund, ... $.....

Given under my hand this ..... day of ....., 19..

.....
Clerk County Court.

(See Sec. 44 of the School law).

FORM NO. XVI.

TRUANT OFFICER'S NOTICE.

....., W. Va.. ....., 19..

M.....

.....

Dear .....

You are hereby notified that the attendance of .....
....., and .....
being under your control are required to attend school and according

to the provisions of section 73 Chapter 45 of the Code as revised by the Legislature of 1908, (Extra Session) such attendance must commence at once on receipt of this notice unless due cause be shown why such child or children should not attend.

Should you fail to comply with the requirements of this law, you will be subject to a fine of two dollars for the first offence and five dollars for each subsequent offence.

Respectfully,

..... Truant Officer,
..... District ..... County, West Virginia.

Note—This notice should be mailed where practicable, otherwise it must be delivered by the truant officer in person or sent by a reliable carrier.

FORM NO. XVII.

TRUANT OFFICER'S REPORT TO BOARD.

Members Board of Education, ... District, ... County, West Virginia.

GENTLEMEN: I hereby certify that I have investigated ..... cases under the truancy law during the month of ....., 19.., of which number ..... were prosecuted and ..... convicted. I have mailed .... notices, delivered in person .... notices or sent by other means .... notices.

In all I have spent ..... hours* or ..... days and .... hours in the discharge of my duties as truant officer.

Respectfully,

....., Truant Officer,
..... District, ... County, W. Va.

Personally appeared before me ..... of ..... County, the said ..... and, on oath, says that the above report is true and correct, to the best of his knowledge and belief.

Given under my hand this ..... day of ....., 19...

.....

*Note—Nine hours should be reckoned as constituting a day.

FORM NO. XVIII.

TRUANT OFFICER'S STATEMENT TO SHERIFF.

....., W. Va., ... 19...

M.....

Sheriff of ..... County,

..... W. Va.

DEAR SIR: Under the provisions of Sec. 73, Chap. 45 of the Code, as revised by the Legislature of 1908 (Extra Session), the following fines were imposed in ..... District, ... County, under my jurisdiction during the month of ....., 19..:

NAME.	Address.	Date.	Amount of Fine.	Child for Which Fined.	Age of Child.
.....	.....	.....	$.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
Total.....	.....	.....	$.....	.....	.....

Respectfully submitted,

....., Truant Officer,
..... District, ... County, W. Va.

FORM NO. XIX.

STATEMENT OF APPORTIONMENT OF THE GENERAL SCHOOL FUND.

STATE OF WEST VIRGINIA,
DEPARTMENT OF FREE SCHOOLS.
Charleston, June ....., 190..

To ....., County Superintendent,
....., W. Va.

DEAR SIR:

The following is the amount of the General School Fund appor-

tioned to your county for the year beginning July 1, 19..., and ending June 30, 19...:

Net amount apportioned ..... $.....
County Superintendent's salary ..... $.....
Gross amount apportioned ..... $.....
Total enumeration of your county. .....

You will please make the apportionment of the above NET amount among the several districts of your county at once that the boards of education may have the same in their hands at their second meeting on the second Tuesday in August.

Respectfully,

....,
State Superintendent of Free Schools.

FORM NO. XX.

SCHOOL BOOK BOND.

Know all men by these presents, That we..... ....., Principal, and ..... and ..... sureties, are held and firmly bound unto the State of West Virginia, in the sum of ten thousand ($10,000) dollars, lawful money of the United States of America, to be paid unto the said State, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this ..... day of ....., in the year one thousand nine hundred and .....

WHEREAS, by a certain agreement in writing, bearing date on the .....day of ..... 19..., the above bounden .... has covenanted, promised and agreed with the School Book Board of ..... County to supply certain school text-books for use in the free schools of said County and State, as will in the said agreement more fully and at large appear:—

Now, therefore, the condition of the above obligation is such that if the said ..... shall faithfully, fully and entirely do, perform, keep and observe the said agreement, and every such agreement hereafter or hertofore made with any other School Book Board of any other county within this State, and each and every of the covenants, provisions, agreements, terms and conditions on .... part to be done, performed, kept and observed, then

this obligation shall be void, otherwise to remain in full force and virtue.

.....

.....

.....

.....

FORM XXI.

SCHOOL TEXT-BOOK CONTRACT.

This Agreement made and entered into this ..... day of ....., in the year of our Lord, one thousand nine hundred and six, by and between the School Book Board of ..... County, State of West Virginia, party of the first part, and ...., party of the second part:

WITNESSETH, That for the mutual considerations of this contract hereinafter named the parties subscribed hereto acknowledge themselves bound by the following terms and conditions, viz:

First, the said County School Book Board hereby adopts for use in the schools of its county for a period of five years commencing on the first day of July, 1906, according to the provisions of Section 3 of the School Book Law; and said ....., party of the second part agrees to furnish to every board of education or their agents, every depositary, dealer or other person of the county the following books at the prices set opposite each:

[Here state full and accurate title of each book, name of author, and name of publisher and price, including prices agreed on for exchange for other books, and for introduction, if any such prices for exchange or introduction are agreed on.]

Second, it is agreed and understood that all the books furnished under this contract shall be equal in every respect to the sample copies furnished to ....., County Superintendent of said ..... county, as provided in Section 8 of the School Book Law, and no changes shall be made in said books during the period of this contract except such revisions as are necessary to bring geographies and histories up to date in matter.

Third, it is further stipulated and agreed that the said party of the second part shall print and furnish to the county superintendent of said ..... county as many copies of a schedule of the prices and terms of the books herein adopted as there are teachers and school officers in the county.

Fourth, it is further stipulated and agreed that said party of the second part shall make no charge for boxing or carting any books sold under this contract but all said books shall be delivered properly packed and in good condition, free of charge, on board the cars at ....., in the county of ..... and State of .....

Fifth, it is further stipulated and agreed that said party of the second part shall take back all books sold under this contract and remaining in good condition in the hands of boards of education, depositaries, or agents of the School Book Board or boards of education, at the expiration of this contract, and refund the amount paid therefor.

Sixth, it is further stipulated and agreed that all the provisions of said School Book Law, Chapter 45 of the Code of West Virginia, whether incorporated in this agreement or not, shall be binding on the parties thereto, and shall be taken, treated, and deemed as a part of this contract.

In testimony whereof witness the following signatures this ..... day of ....., 19..

THE SCHOOL BOOK BOARD OF ..... COUNTY,

By { ....., *Pres.*
{ ....., *Secy.*

....., PUBLISHER,

By .....

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